



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11950 of 2021

A.Selvakumar

... Petitioner

Vs.

- 1.The District Collector,
Madurai District.
- 2.The Commissioner,
Madurai Corporation,
Madurai City.
- 3.The Tahsildar,
South Taluk,
Madurai.
- 4.The Commissioner of Police,
Madurai City,
Madurai.
- 5.The Inspector of Police,
Jaihindpuram Police Station,
Madurai.

6.James Doos

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the first and third respondents herein restrain to cut the novel tree at No.17, Near Kaliyappa Nadar Compound, Subramaniyapuram 4th Street, Madurai - 625 011 on the basis of the petitioner representation sent by the petitioner dated 05.07.2021.



For Petitioner : Mr.J.Vishnu
For Respondents 1, 3 to 5 : Mr.A.K.Manickam
Standing Counsel for
Government
For Respondent No.2 : Mr.R.Murali
Standing Counsel

WEB COPY

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, this Writ Petition itself is taken up for final disposal.

2.We have heard Mr.J.Vishnu, learned Counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1, 3 to 5 and Mr.R.Murali, learned Standing Counsel for the second respondent.

3.The petitioner has filed this writ petition seeking to forbear the first and third respondents herein from cutting the novel tree at No.17, Near Kaliyappa Nadar Compound, Subramaniyapuram 4th Street, Madurai - 625 011 on the basis of his representation sent dated 05.07.2021.

4.The petitioner is stating that he is carrying on vegetable vending under the tree near Kaliyappa Nadar Compound, Subramaniyapuram 4th Street, Madurai and he is aggrieved by the action initiated by the authorities for removing the tree. It appears that the roots have penetrated into the compound wall and building of the adjoining property owner, which necessitated them to give a representation and enquiry has been conducted and necessary orders have been passed by the revenue authorities and pursuant to which cutting order has been passed and the amount is also fixed.

5.The petitioner who is a street vendor wants the tree to be in existence on the ground that he is doing vegetable vending under the tree. Such a prayer cannot be granted. Firstly, no person can claim that he is entitled to carry on trading activities or vending activities in a street, especially, the street in question, which is a very narrow street. The petitioner claims that the Corporation of Madurai has granted permission by collecting ground rent. If the petitioner is trading in a road margin, it will create lot of problems to the public who are passing through the said street. Therefore, immediate action should be taken by the Corporation of Madurai to relocate those traders to some other place, which will be suitable where they can also collect the ground rent. However, at the instance of the petitioner who is a street vendor, the decision taken by the revenue authorities cannot be interfered.



6. With the above observation, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

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/ /2021

Sub Assistant Registrar (CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Madurai District.
2. The Commissioner,
Madurai Corporation,
Madurai City.
3. The Tahsildar,
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4. The Commissioner of Police,
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Madurai.
5. The Inspector of Police,
Jaihindpuram Police Station,
Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-23101[F] dated 19/07/2021)

+1 CC to M/s.GP (SR-23313[F] dated 20/07/2021)

W.P. [MD]No.11950 of 2021
16.07.2021

KM (CO)

LR (27.07.2021) 3P 8C