



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)Nos.16234 & 16235 of 2021

W.P(MD)No.16234 of 2021

Paramasakthi

... Petitioner

Vs.

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue Vending Certificate and street vendor identity card to the petitioner for doing her street vending business in front of Ponniah Nadar Vessel Shop, East Car Street at Tirunelveli City by considering the petitioner's application dated 12.02.2021.

W.P(MD)No.16235 of 2021

Muthulakshmi

... Petitioner

Vs.

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue Vending Certificate and street vendor identity card to the petitioner for doing her street vending business in front of Arasan Sweets, Near Khadi Bhavan, North Car Street at Tirunelveli Town by considering the petitioner's application dated 22.02.2021.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.Aayiram K.Selvakumar,
Standing Counsel.
(In both Writ Petitions)



COMMON ORDER

The respective petitioner seeks a direction for the issuance of Vending Certificate and Street Vendor Identity Card for carrying on street vending business at the respective location indicated in the respective Writ Petition.

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2.The respective petitioner states that she is carrying on business as a street vendor at the East Car Street or North Car Street, Tirunelveli Town, as the case may be. According to the respective petitioner, such petitioner was permitted to carry on street vending after a survey was conducted in such regard and in accordance with the Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014. Subsequently, it is alleged that respondents 1 and 2, with the aid of the police, attempted to evict the street vendors. In such circumstances, W.P.(MD).Nos.325 to 328 of 2018 were filed to restrain the respondents therein from disturbing the street vending business conducted by the relevant persons. It is also stated that the Court was informed in the said proceeding that a Street Vending Committee had been formed by the Tirunelveli City Municipal Corporation for identification of street vendors. Pursuant thereto, it is stated that 145 members were issued with Identity Cards out of a total of 755. The respective petitioner asserts that such Identity Card has not been issued to her in spite of the respective petitioner fulfilling all requirements in such regard.

3.Mr.Aayiram K.Selvakumar, learned standing counsel, accepts notice on behalf of both the respondents. He submits that street vending is not currently permitted in the East Car and North Car Streets. Consequently, the Tirunelveli City Municipal Corporation is in the process of identifying an alternative location for street vending. The representations by the respective petitioner have not been disposed of in the aforesaid facts and circumstances. However, he states that such representations or applications would be disposed of within a reasonable time frame as directed by the Court.

4.The task of identifying whether a person is a legitimate street vendor, who fulfils the necessary requirements for being issued with the relevant Vending Certificate and Street Vendor Identity Card, should be carried out and completed by the Tirunelveli City Municipal Corporation. Towards this end, the respective petitioner's application in such regard should be disposed of within a reasonable time frame. Accordingly, without going into the merits of the matter, the respondents are directed to consider the petitioners' applications for issuance of a Vending Certificate and Street Vendor Identity Card and dispose of the same on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order. The respondents are directed to provide a reasonable opportunity to the respective petitioner before such decision is taken.



5. Accordingly, W.P(MD).Nos.16234 and 16235 of 2021 are disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T & P)

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/ /2021

Sub Assistant Registrar(CS)

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 Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
2. The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.

**W.P(MD)Nos.16234 & 16235 of 2021
13.09.2021**

RS (27.09.2021) 3P 3C