



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19168 of 2020

and

W.M.P. (MD)No.16029 of 2020

V.Manikandan

... Petitioner

-Vs-

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

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

3.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents not to disturb the petitioner's street vending business located at North Car Street, Tirunelveli City, except following the due process of law based on the petitioner's representation dated 07.12.2020.

For Petitioner : Mr.Marimuthu.N

For Respondents : Mr.Aayiram K.Selvakumar,

Standing Counsel for R1 to R3

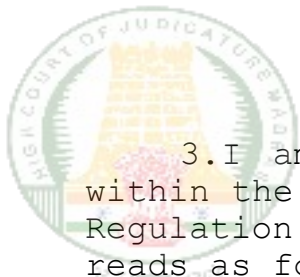
Mr.M.Rajarajan,

Additional Government Pleader for R4.

ORDER

Heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondents 1 to 3 and the learned Additional Government Pleader appearing for the fourth respondent.

2.The petitioner has been carrying on business in the petition mentioned street as a street vendor. The petitioner is facing the threat of dispossession. The petitioner's counsel drawn my attention to the order dated 28.02.2020 made in W.P.(MD)Nos.4263 and 4265 of 2020.



3.I am satisfied that the case of the petitioner would fall within the scope of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Section 3 of the said Act reads as follows:-

"3.Survey of Street Vendors and Protection from eviction or relocation.-(1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.

(2).The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.

(3).No street Vendor shall be evicted or, as the case may be, relocated till the survey specified under Sub-Section (1) has been completed and the certificate of vending is issued to all street vendors."

4.It appears that the petitioner has also been issued with an identity card. Therefore, till an alternative site is identified for the petitioner in terms of the said statute, the petitioner cannot be disturbed.

5.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /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.

3.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

+1 CC to SPL GP (SR-974[F] dated 18/01/2021)

W.P. (MD) No.19168 of 2020
08.01.2021

VB (08.02.2021) 3P 6C