



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.11737 of 2022
and
W.M.P. (MD)No.8308 of 2022

S.Rajendran

...Petitioner

-Vs-

1.The District Collector,
O/o. District Collectorate,
Madurai-625 020.

2.The Commissioner,
O/o.Madurai Corporation,
Anna Maligai, Alagar Kovil Main Road,
Thallakulam, Madurai-625 002.

3.The Commissioner of Police,
Madurai City, No.1/65, Alagar Kovil Main Road,
Madurai-625 002.

4.The Assistant Commissioner, (Revenue),
O/o.Madurai Corporation,
Anna Maligai, Alagar Kovil Main Road,
Madurai-625 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order of the Assistant Commissioner, (Revenue) of Madurai Corporation the 4th respondent herein vide A3/000292/2022, dated 25.04.2022 and quash the same as illegal and furthermore forbear the respondents from evicting the petitioner street vending shop in Shop No.244, situated near to Guptha Kalyana Mahal, Anna Nagar, Madurai-625 020.

For Petitioner	: Mr.R.Rajaraman
For R1 & R3	: Mr.N.Satheesh Kumar, Additional Government Pleader.
For R2 & R4	: Mrs.S.Devasena, Standing Counsel.



ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Challenging the communication sent to the petitioner dated 25.04.2022 by the Assistant Commissioner, (Revenue) of Madurai Corporation, this Writ Petition is filed.

2.In the said communication addressed to the petitioner, the 4th respondent has informed the petitioner that as per the order passed by the Hon'ble Division Bench of this Court in W.P.(MD) Nos.12188, 4339 and 13026 of 2019 on 21.08.2019, the respondents are taking action to remove the petty shops on road sides.

3.The learned Standing Counsel for the respondents 2 and 4 states that the rights of the street vendors are protected under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and that the respondents are not going to take any action without following the procedure prescribed under the said act and strictly adherence to the judgment of this Court as indicated in the communication.

4.This Court is unable to find any valid cause for filing this Writ Petition. It is not appropriate to entertain this Writ Petition, merely based on the apprehension. Hence, the respondents may take action in accordance with law to remove any encroachment by street vendor, who is not prepared to abide by the terms of licence. This Court, therefore, dismisses the Writ Petition, observing that the respondents shall not disturb or evict the petitioner otherwise than following due process of law.

5.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Myr

To

1.The District Collector,
O/o. District Collectorate,
Madurai-625 020.



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+1 CC to M/s.R. RAJARAMAN, Advocate (SR-25797[F] dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-26516[F] dated 17/06/2022)

ORDER MADE IN
W.P (MD) No.11737 of 2022
15.06.2022

CK (CO)

GC (04.07.2022) 3P 7C