



Writ Petition No.5802 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/2/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.5802 of 2023

a n d

W.M.P.No.5791 of 2023

S.Fathima

...

Petitioner

Vs

The Commissioner
Udhagamandalam Municipality
The Nilgiris District.

...

Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondent from interfering with the running of the petitioner bunk shop situate near Botanical Garden, Opp. To Town D.S.P.Office, Charring Cross, Udhagamandalam, wherein, selling tea, coffee, snacks, fruit juices, cool drinks and other food items therein till the decision taken on the petitioner application by the Vending Committee as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014.



Writ Petition No.5802 of 2023

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For Petitioner ... Mr.S.Sivakumar
For respondents ... Mrs.R.Anitha
Special Government Pleader

ORDER

This writ petition has been filed to forbear the respondents from interfering with the running of the petitioner's bunk shop near Botanical Garden, Opp. To Town D.S.P.Office, Charring Cross, Udhagamandalam.

2. The case of the petitioner is that on an earlier occasion, this writ petitioner had filed W.P.No.15288 of 2019, to direct the respondent/The Commissioner, Udhagamandalam Municipality, Nilgiris District, to grant license/permission to run the tea stall, which is situated near Botanical Garden, opposite to town DSP office, Charring Cross, Udhagamandalam, pursuant to the payment made by the petitioner.

3. Vide, order, dated 6/6/2019, this Court had directed the respondent to consider the application/representation of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of the copy of the order.



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4. Instead of considering the representation of the petitioner, the respondent is now disturbing the business of the petitioner. Hence the petitioner has come forward with the instant writ petition.

5. Heard Mr.S.Sivakumar, learned counsel for the petitioner.

6. Mrs.R.Anitha, learned Special Government Pleader takes notice for the respondent.

7. From the materials available on record, it would indicate that this Court, vide, order, dated 6/6/2019 had directed the respondent to consider the representation of the petitioner and appropriate orders to be passed within a period of four weeks, from the date of receipt of the copy of the order.

8. The learned counsel appearing for the petitioner submitted that in W.P.No.18677 of 2014, etc., batch, this Court has directed that till the Constitution of Town Vending Committee, there shall be no threat by the respondent with regard to the running of milk booth/tea stall.



Writ Petition No.5802 of 2023

WEB COPY

9. In view of the above, this Court is inclined to pass the following order:-

Once the Vending Committee is formed, petitioner is directed to give a fresh representation and on such representation being given, the Vending Committee shall consider the representation of the petitioner, and pass appropriate orders, on merits and in accordance with law, within a period of two months, thereafter. Till such time, the respondent shall not interfere with the running of the petitioner's bunk shop and petitioner shall not be evicted.

10. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

27/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: yes/No

mvs.



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Writ Petition No.5802 of 2023

To

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Writ Petition No.5802 of 2023

N. SATHISH KUMAR, J

mvs.

W.P.No.5802 of 2023

27/2/2023