



W.P.(MD)No.16081 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.16081 of 2023

M.Sterling Jino

... Petitioner

Vs.

- 1.The District Collector,
Kanniyakumari District,
at Nagercoil.
- 2.The Superintending Engineer,
National Highways, Tirunelveli-3.
- 3.The Divisional Engineer,
National Highways, Tirunelveli.
- 4.The Divisional Engineer,
State Highways, PWD Campus,
Veppamoodu, Nagercoil,
Kanniyakumari District.
- 5.The Tahsildar,
Agasteeswaram Taluk,
District Collector's Office Campus,
Nagercoil & Post, Kanniyakumari District.



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6.The President,
Kanniyakumari Special Grade Town Panchayat,
Kanniyakumari-629 702, Kanniyakumari District.

7.The Executive Officer,
Kanniyakumari Special Grade Town Panchayat,
Kanniyakumari-629 702, Kanniyakumari District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take proper action to remove the encroachments made on both sides of the Kovalam Beach Road, from Gandhi Mandapam to Sunset Point, all along beach road, abutting sea within the limits of Kanniyakumari Town Panchayat, Kanniyakumari District and pass suitable orders to prevent any petty trading either on the floor or on any cycle or cart or by other means, so as to maintain Kanniyakumari with all the environmental advantageous, by considering the representation sent by the petitioner dated 26.05.2023 within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For R1 to R5 : Mr.P.Thilak Kumar,
Government Pleader

For R6 & R7 : Mr.D.Sachi Kumar,
Additional Government Pleader



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ORDER

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

The petitioner has come forward with the prayer to direct the respondents to take proper action to remove the encroachments made on both sides of the Kovalam Beach Road, from Gandhi Mandapam to Sunset Point, all along beach road, abutting sea within the limits of Kanniyakumari Town Panchayat, Kanniyakumari District and pass suitable orders to prevent any petty trading either on the floor or on any cycle or cart or by other means, so as to maintain Kanniyakumari with all the environmental advantageous, by considering the representation sent by the petitioner dated 26.05.2023.

2. According to the petitioner, Kanniyakumari is a tourist town and it is a holy place, where three oceans, namely, Bay of Bengal, Indian Ocean and Arabian Sea, join together and there is a temple called 'Kanniyakumari Amman'. Besides, the statue of Tiruvalluvar has been erected and Swami Vivekananda Rock is also there, which are the places to attract tourists and the historical religious places like Padmanabhapuram Palace, Suchindram Temple, Kovalam are also there.

3. The visitors and pilgrims go to Kanniyakumari throughout the year and



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the traders are hawking there by putting up shops both sides calling as temporary and causing restrictions to traffic by keeping the area in dirty and polluting the atmosphere by throwing plastic. Hence, it is prayed that the encroachment shall be removed.

4.The learned Government Pleader appearing for the respondents 1 to 5 has produced the status report duly signed by the 7th respondent before this Court, contending that there are 168 hawkers permitted in that place and they are only temporary petty shops. Further, there are no complaints received from the tourists or anyone and these places are guarded by local police. It is further stated by the 7th respondent that they could not evict the petty shops, as the road is earmarked only for tourists and its activities are controlled by Kanniyakumari Town Panchayat and local Police.

5.It is further stated that they decided to identify separate area for the hawkers by constructing a permanent structure, enabling them to shift their shops to those place and those shops will be given either by rent or by lease, after the place is identified and duly constructed.

6.In response to the same, the learned counsel for the petitioner would



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submit that there are more than 168 shops and it is very difficult to identify as to which shops are permitted by the Collector. If there are more than 168 shops, they may be removed.

7.The learned Government Pleader for the respondents 1 to 5 would submit that they are willing to identify 168 hawkers by issuing Identity Card to them and a circular will be issued to ensure that the place is kept clean by avoiding plastics.

8.In view of the said submissions made by the learned Government Pleader for the respondents 1 to 5, this Writ Petition is disposed of with a direction to the respondents not to allow more than 168 vendors as pointed out by the Collector and they can be easily cross-checked by any person, for which, those shops vendors will have to show their Identity Card. No costs.

(S.V.N., J.) & (D.B.C., J.)

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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