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W.P.(MD)NO.19039 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.19039 & 21560 of 2015
AND M.P.(MD)Nos.1 & 1 of 2015

W.P.(MD)No.19039 of 2015

R.Alagarsamy(Died)

1. Selvaraj

2.Gowsalya

3. Sangeetha

4.Alamelu

5. Kavitha

(Petitioners 1 to 5 are *suo motu* impleaded vide
order dated 21.07.2023)

... Petitioners

Vs.

1. The Secretary to Government,
Municipal Administration & Water Supply
Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 002.

2. The District Collector,
Trichy District,
Trichy.

3. The Commissioner,
Corporation of Tiruchirappalli,
Trichy District.



4. The Commissioner of Police,
Trichy City,
Trichy.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from relocating or shifting or evicting the petitioner from Door No.80 and 82, Chatram Bus stand, Trichy to Karur Main Road (Opposite to water tank), Srirangam Zone, Trichy Corporation, Taxation No.200274 and 200275 without following Section 18 of the Street Vendors(Protection of Livelihood and Regulation of Street Vending) Act 2014.

W.P.(MD)No.21560 of 2015

Jeyalakshmi

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration & Water Supply
Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 002.
2. The District Collector,
Trichy District,
Trichy.
3. The Commissioner,
Corporation of Tiruchirappalli,
Trichy District.
4. The Commissioner of Police,
Trichy City,
Trichy.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from relocating or shifting or evicting the petitioner from Door No.80 and 82, Chatram Bus stand, Trichy to Karur Main Road (Opposite to water tank), Srirangam Zone, Trichy Corporation, Taxation No.200272 without following Section 18 of the Street Vendors(Protection of Livelihood and Regulation of Street Vending) Act 2014.

(in both WPs.)

For Petitioners : Mr.G.Prabhu Rajadurai,
for Mr.I.Robert Chandrakumar.

For R-1, R-2&R-4: Mrs.K.Christy Theboral,
Additional Government Pleader.

For R-3 : Mr.R.Baskaran,
Senior Counsel,
for M/s.R.B.Law Associates.

* * *

COMMON ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Senior counsel appearing for the third respondent and the learned Additional Government Pleader appearing for respondents 1, 2 and 4.



2. The petitioners in W.P.(MD)No.19039 of 2015

passed away and his legal heirs have been brought on record.

3. The petitioners herein are eking out their livelihood as street vendors. The expression “street vendor” is defined in Section 2(l) of the Central Act 7 of 2014 in the following terms:-

“ “street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly; ”



4. It can be seen therefrom that even a person doing his business from a temporary built up structure in a street would be called as street vendor. Section 18 of the Act reads as follows:-

**“RELOCATION AND EVICTION OF
STREET VENDORS-**

(1) The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that area, in such manner as may be specified in the scheme.

(2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10 or who does not have a certificate of vending and vends without such certificate, in such manner as may be specified in the scheme.

(3) No street vendor shall be relocated or evicted by the local authority from the place



following the procedure set out in the aforesaid provision.

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6. No exception can be taken to the said request. The Corporation, Trichy is directed to conform to due process of law, particularly, Section 18 of the Central Act 7 of 2014 while dealing with the petitioners herein. These writ petitions stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

11.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The Secretary to Government,
Municipal Administration & Water Supply
Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 002.
2. The District Collector,
Trichy District,
Trichy.
3. The Commissioner,
Corporation of Tiruchirappalli,
Trichy District.



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W.P.(MD)NO.19039 OF 2015

4. The Commissioner of Police,
Trichy City,
Trichy.

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G.R.SWAMINATHAN,J.

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