



W.P.(MD)No.20640 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.20640 of 2023
and
W.M.P.(MD).No.17072 of 2023

K.Suresh

... Petitioner

Vs

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

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

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

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from disturbing the petitioner's street vending business located in front of Jothipuram Ground, Opposite to SBI Bank, Trivandram Road, Palayamkottai Bus Stand, Tirunelveli District, except due process of law.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

This Writ Petition is filed under Article 226 of the Constitution of India by way of Mandamus seeking for a direction to respondent Nos.3 and 4 from disturbing the petitioner's street vending business located in front of Jothipuram Ground, Opposite to SBI Bank, Trivandram Road, Palayamkottai Bus Stand, Tirunelveli District

2. It is submitted by learned counsel for the petitioner that the petitioner has been doing business in street vending and running a small tiffin centre since long time and when an attempt was made earlier to evict the petitioner from the said place, the petitioner has approached this Court and filed W.P.(MD).No.328 of 2018 and another one S.Mariappan has filed W.P.(MD),No.7641 of 2020 and both of them were disposed of on two different dates i.e., 05.03.2018 and 16.07.2020 respectively, wherein, directions were given to the Municipal Authorities to identify specific place for street vending.

3. It is submitted by learned counsel for the petitioner that they have not approached the Municipal authorities subsequent to this order requesting the Municipal authorities to provide alternative site. It is needless to say that the petitioner or any other person are not expected to block the roads in the name of the street vending.



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4. Learned Government Advocate (Criminal Side) submitted that

the petitioner has been doing the business and running a tiffin centre within the jurisdiction of Palayamkottai Police Station and not within the jurisdiction of respondent No.4 Police Station.

5. In view of the above, since there are earlier directions of this Court, since the Municipal authorities are not requested by the petitioner, since the petitioner is not a party to the earlier applications, since the petitioner has not approached the correct Police Station as one of the respondent in this case, this writ petition is disposed of, directing the petitioner to approach the Municipal authorities and file an application for providing alternative site as directed by this Court and in case, if they are failed to do so, the petitioner is at liberty to move this Court again and until then, the respondent Police are at liberty to take action within the four corners of law by following the procedure to see that the roads are not blocked and meant for the free flow of traffic. No costs. Consequently, the connected miscellaneous petition is closed.

24.08.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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DR.D.NAGARJUN, J.

tsg

To

- 1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 2.The Chairman,
Town Vending Committee,
Tirunelveli City, Tirunelveli.
- 3.The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli City.
- 4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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