



W.P.(MD) No.22962 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.22962 of 2023

P. Subramanian

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
3. The Commissioner of Police,
Tirunelveli City Police,
Tirunelveli.
4. The Assistant Commissioner of Police,
Tirunelveli City Police,
Tirunelveli Junction.
5. The Assistant Commissioner of Police,
Traffic Wing,
A.R.Lane Police Office Campus,
Tirunelveli – 2.



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6. The Inspector of Police,
Tirunelveli City Police,
Palam Police Station,
Tirunelveli Junction.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying this Court to issue an order or direction or writ in the nature of **WRIT OF MANDAMUS** directing the 3 to 6 respondents to permit the petitioner to conduct street vending business of tiffen centre at T.M.Road, Tirunelveli Junction in front of Sarawathi Paper Store based on the petitioner's representation dated 21.06.2023 and 28.08.2023.

For Petitioner : Mr.T. Selvan
For R1 to R6 : Mr.SS.Madhavan
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to the respondent police to permit the petitioner to conduct street vending business of Tiffen Centre at T.M.Road, Tirunelveli Junction in front of Sarawathi Paper Store basing on the representations dated 21.06.2023 and 28.08.2023.

2.It is submitted by the learned counsel that the petitioner has been running a Tiffen Centre for the last 30 years and that he has also obtained loan under



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Prime Minister's Street Vendor loan scheme twice and he was also given an ID card. After COVID-19, when the permission was not granted, the petitioner stated to have filed W.P.(MD) No.16002 of 2022 restraining the respondent No.2 from interfering with the conduct of business. During the pendency of the petition, the permission was granted to run the business and accordingly, the said petition was closed. It is submitted that even though the petitioner has taken the permission from all the Departments, the respondent police are not permitting him to run the Tiffen Centre.

3.The learned Government Advocate (Crl.side) submits that the place, where the petitioner was running the Tiffen Centre, is a very congested area and therefore, the police directed the petitioner to conduct the business from 20 mts., away from the place, where he has been conducting the business.

4.The learned counsel for the petitioner agreed for the proposal and reported that the petitioner is prepared to conduct the business at the place as shown by the police. The same is recorded.



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5.Considering the submissions made by the learned counsel on either side and on perusal of the records, the respondent police are directed to provide the permission and permit the petitioner to conduct the business by showing the suitable place, which does not obstruct the free-flow of the traffic as quickly as possible, not later than 2 weeks from the date of receipt of a copy of this order.

6.With the above directions, this Petition is disposed of. No costs.

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

21.09.2023

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To

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Tirunelveli District,
Tirunelveli.
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3. The Commissioner of Police,
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Tirunelveli.

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4. The Assistant Commissioner of Police,
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Tirunelveli Junction.
5. The Assistant Commissioner of Police,
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DR.D.NAGARJUN. J.

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