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W.P.(MD)NO.25822 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.25822 to 25832 of 2023 AND
W.M.P.(MD)Nos.22130 to 22135, 22137 to 22142,22144
to 22149, 22158, 22159, 22162 and 22163 of 2023

W.P.(MD)No.25822 of 2023

J.Jerald

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District
at Nagercoil.
2. The Assistant Director of Town Panchayat,
Collector Office Campus,
Nagercoil, Kanyakumari District.
3. The Tahsildar,
O/o.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.
4. The Superintending Engineer,
National Highways Authority,
Tirunelveli District.
5. The Divisional Engineer,
State Highways,
Nagercoil, Kanyakumari District.
6. The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka. No.144/2022/A2 dated 06.10.2023 on the file of the respondent No.6 and quash the same as illegal and consequently directing the respondents not to evict the petitioner without constituting the vending Committee and identifying the vending zones in Kanyakumari Special Grade Town Panchayat in accordance with the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Rules, 2015.

For Petitioner : Mr.T.Lajapathy Roy,
Senior counsel,
for M/s.Lajapathi Roy and Associates.

For R-1 to R-3,
R-5 & R-6 : Mr.P.Thilak Kumar,
Government Pleader.

* * *

COMMON ORDER

Heard the learned Senior counsel appearing for the writ petitioners and the learned Government Pleader appearing for the respondents.



2. The writ petitioners are street vendors. They are eking out their livelihood by selling their products in the eastern side of the area which is earmarked as free car parking zone. The local body called upon the street vendors to vacate so that permanent shops can be constructed on the eastern side. While 157 street vendors obliged, the petitioners did not.

3. When the matter was taken up for hearing, the learned Government Pleader made an offer which appears to be reasonable to me. The learned Senior counsel pointed out that the temporary structures have been put up on the opposite side of the existing side from Gandhi Mandapam to Sunset point. I made it clear that if that be so, the petitioners alone cannot be made to vacate. Thereupon, the learned Government Pleader clarified that all 168 street vendors who were earlier carrying on their business activities in the eastern side will have to necessarily move to the western side of the free car parking zone. 168 sites will be earmarked. Allotment will be made through lot process. The entire process will be done in an open and transparent manner and the proceedings will be duly videographed also. He made it clear that 168 street vendors who are presently carrying on their



business activities from Gandhi Mandapam to Sunset point will have to move to the western side of the free car parking zone. He also made it clear that there will not be any discrimination against the petitioners.

4. I clarify that so long as the existing vendors are carrying on their business from Gandhi Mandapam to Sunset point, the petitioners cannot be evicted from the present site. Relocation of both the groups (157+11) will have to take place simultaneously.

5. The petitioners are given seven days from today to vacate. The executive officer of the local body will hold "lot" on 24.11.2023 at 10.00 a.m. The existing street vendors (157+11) will have to shift based on the outcome of the said lot process. These writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

15.11.2023

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

Note : Issue order copy on 17.11.2023.



To:

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at Nagercoil.
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O/o.The Tahsildar,
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G.R.SWAMINATHAN,J.

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W.P.(MD)Nos.25822 to 25832 of 2023

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