



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.29954 of 2023

and

WMP(MD)Nos.25833 & 25834 of 2023

1.M.Ranjith Kumar

2.Abdul Rahman

3.V.Valarmathi

4.S.Chinnadurai

5.K.Musthafa

6.M.Syed Oli

7.Y.Abbas

8.A.Jainul Abudeen

9.M.Abdul Rahman

... Petitioners

v.

1.The Assistant Divisional Engineer
(Highways),
State Highways, Madurai District.

2.The Commissioner of Police,
Alagar Kovil Main Road,
LIG Colony, Ramaond Reserve Line,
K.Pudhur, Madurai.



WEB COPY

3. The Commissioner, O/o. the Madurai Corporation,
Anna maligai, Alagar Koil Main Road, Madurai.

4. The Town Vending Committee,
Rep. by the Chairman,
Anna Maligai, Alagar Kovil Main Road,
Madurai.

5. The City Health Officer,
O/o. Madurai Corporation,
Anna Maligai,
Alagar Kovil Main Road,
Madurai.

6. The Inspector of Police,
Mattuthavani E5 Police Station,
K.K. Nagar, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the first respondent from evicting and disturbing the petitioner from running their push cart stalls outside the Cycle stand of the Madurai Mattuthavani MGR Bus stand without following due process of law and consequently direct the respondents 3 and 4 to allot alternative place with public access to conduct street vending for the petitioners to earn their livelihood.

For Petitioners : Mr.S.Vasanth

for M/s.Lajapathi Roy and Associates

For Respondents : Mr.M.Sidharthan,

Additional Government Pleader for R1

Mr.A.Albert James

Government Advocate (crl.side) for R2 and R6

Mr.P.Anbunidhi for R3 to R5



ORDER

WEB COPY

Heard both sides.

2.It is not in dispute that the petitioners are street vendors. They have been granted license by the Madurai Corporation also. Therefore, the Madurai Corporation is obliged to respect their rights and make proper arrangements for them. This shall be done as expeditiously as possible. A positive direction is also issued to the respondents 3 to 5. But then, on this ground, the first respondent cannot be restrained from carrying out their road widening works. Therefore, even while granting relief in favour of the petitioners as regards the respondents 3 to 5, this writ petition is dismissed as regards the respondents 1, 2 and 6.

3.This writ petition is partly allowed. No costs. Connected miscellaneous petitions are closed.

15.12.2023

Index : Yes / No
Internet : Yes/ No
skm



WEB COPY



G.R.SWAMINATHAN, J.

SKM

WP(MD)No.29954 of 2023
and
WMP(MD)Nos.25833 & 25834 of 2023

15.12.2023