



WP(MD)No.415 of 2024

WEB COM BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)No.415 of 2024

M.Mariyammal

... Petitioner

/vs./

- 1.The Inspector General of Police,
O/o. Inspector General of Police,
Racecourse, Madurai.
- 2.The Deputy Inspector General of Police,
O/o. Deputy Inspector General of Police,
Ramanathapuram.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Keelakarai, Ramanathapuram District.
- 5.The Inspector of Police
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents



WP(MD)No.415 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 28.11.2023 and to take action based upon the Petitioner's representation.

For Petitioner : Mr.S.Ramsundarvijayaraj
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 28.11.2023 and to take action based upon the Petitioner's representation.

2. The learned Counsel for the Petitioner submits that the Petitioner was fish vendor selling dried fish. It is the submission of the learned Counsel for the Petitioner that one Sekar, who is an employee of the Trichy Corporation, Sayalgudi Municipality, used to receive Rs.100/- every day from the Street Vendors. The Petitioner herein is a Physically



WP(MD)No.415 of 2024

Challenged Person. She was abused and pushed by the said Sekar, which was circulated in the Local Social Media. The News was also reported in the Local Issue. Therefore, aggrieved by the conduct of the said Sekar, the Petitioner had preferred a complaint with the Inspector of Police, Sayalgudi Police Station, Ramanathapuram. The Police did not act as per law. Therefore, she had preferred this Writ Petition against the Respondents 1 to 5 for taking action against the Sayalgudi Municipality Official- Sekar.

3. The learned Additional Public Prosecutor vehemently objected to the submission of the learned Counsel for the Petitioner stating that the Petitioner was selling dried Fish as an unauthorized Street Vendor. The District Collector had issued orders to remove all the unauthorized street vendors as per the Town Panchayat Act, by proceedings dated 26.11.2023 in R.C.No.3827/2023/T2. Accordingly, the said Sekar, Official of the Sayalgudi Municipality had obeyed the Orders of the District Collector in evicting the unauthorized street Vendors. Usually when removal of encroachment is conducted, there will be objections from the



WP(MD)No.415 of 2024

WEB COPY

street vendors. Here also, there was quarrel between the street vendors and the Municipal Officials.

4. The learned Additional Public Prosecutor further submitted that as stated by the learned Counsel for the Petitioner for exerting force on the Physically Challenged Persons, the District Collector had suspended the said Official, Sekar, but, the said Sekar had initiated action lawfully, as per the direction of the District Collector and the Panchayat Act, to remove the encroachments made on the Road and Streets. Therefore, there cannot be any directions against lawful Act conducted by the officials.

5. The learned Additional Public Prosecutor would also submit that the complaint preferred by the Petitioner as well as the Municipal Official against a person are also pending before the 5th Respondent.

6. In the light of the submission made by the learned Counsel



WP(MD)No.415 of 2024

WEB COPY

for the Petitioner as well as the learned Additional Public Prosecutor, this

Writ Petition is dismissed. The 5th Respondent is directed to act as per the reported Ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***.

No costs.

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

10.01.2024

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- 2.The Deputy Inspector General of Police,
O/o. Deputy Inspector General of Police,
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- 3.The Superintendent of Police,
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- 4.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,



WP(MD)No.415 of 2024

WEB COPY Keelakarai, Ramanathapuram District.



WEB COPY



WP(MD)No.415 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

LS

5.The Inspector of Police

Sayalkudi Police Station,

Ramanathapuram District.

6. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.

W.P.(MD)No.415 of 2024

10.01.2024