



W.P(MD)No.3744 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3744 of 2024

and

W.M.P(MD)No.3652 of 2024

Dindigul Mavatta Salaiyora Siru
Virpanaiyalar Tholilar Sangam,
(Registration No.391/DGL),
Rep. by its District Secretary,
C.P.Jeyaseelan

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Department of Municipal Administration and Water
Supply Department,
Secretariat,
Chennai.
- 2.The Commissionerate of Municipal Administration,
Office of the Commissionerate of Municipal
Administration,
3, MRC Nagar, Raja Annamalai Puram, Chennai,
Tamil Nadu 600 028.
- 3.The District Collector,
Dindigul District,
Dindigul.



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4.The Commissioner,
Palani Municipality,
Dindigul – 624 601.

5.The Superintendent of Police,
Office of Superintendent of Police,
Dindigul District,
Dindigul.

6.The Joint Commissioner / Executive Officer,
Arulmigu Thandayuthabani Swami Thirukovil,
Palani.

7.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Palani,
Dindigul.

8.The Sub-Inspector of Police,
Adivaram Police Station,
Palani,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to declare that the petitioner members (as mentioned in the schedule annexed in the Typed set of papers) are entitled to do their Street Vending within the yellow marked line on the two side of Girivala Veethi, Palani Municipality in Ward Nos.30, 31, 32, 33, Dindigul District, except during the 10 days Festival of Thaipooosam and 10 days Festival of Panguni Uthiram as per the provisions of “The Street Vendors (Protection of Livelihood and Regulations of Street Vending) Act, 2014 and the Tamil Nadu Street Vendors(Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015,



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till the declaration of vending zone by the fourth respondent's Vending Committee, consequentially directing the fourth respondent to issue Street Vendors Identity Cards, Set up Vending Committee and declare Vending zone as per the second respondent's circular in R.O.C.No.20789/2021/UPA dated 08.09.2023 by considering the petitioner's representation dated 05.02.2024, within the period stipulated by this Court.

For Petitioner	:Mr.A.Haja Mohideen
For R-1 to R-3	:Mr.P.Thilak Kumar, Government Pleader
For R-4	:Mr.L.P.Maurya, Standing Counsel
For R-6	:Mr.R.Murali, Standing Counsel
For R-5, R-7 & R-8	:Mr.S.S.Madhavan, Government Advocate(Crl. Side)

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 to 3.

2. Mr.L.P.Maurya, learned Standing Counsel takes notice for the fourth respondent.



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3. Mr.S.S.Madhavan, learned Government Advocate(Crl. Side),

takes notice for respondents 5, 7 and 8.

4. The petitioner is a Sangam by name “Dindigul Mavatta Salaiyora Siru Virpanaiyalar Tholilar Sangam”. The said Sangam has filed this writ petition seeking for issuance of a Writ of Mandamus, to declare that the members of the petitioner Sangam, are entitled to do their Street Vending Business, within the yellow marked line on the two sides of Giriveethi, Palani Municipality in Ward Nos.30, 31, 32, 33, Dindigul District, except during the 10 days Festival of Thaipooam and 10 days Festival of Panguni Uthiram as per the provisions of the Street Vendors (Protection of Livelihood and Regulations of Street Vending) Act, 2014 and the Tamil Nadu Street Vendors(Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015, till the declaration of vending zone by the fourth respondent’s Vending Committee; to direct the fourth respondent to issue Street Vendors Identity Cards; to Set up Vending Committee; and to declare Vending Zone as per the second respondent’s circular in R.O.C.No.20789/2021/UPA, dated 08.09.2023, by considering the petitioner’s representation, dated 05.02.2024, within a stipulated time.



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5. The case of the petitioner is as follows:

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The members of the petitioner Sangam are doing their street vending business as hawkers on their allotted place within the yellow marked line on the two sides of Giriveethi, which is within the jurisdiction of Palani Municipality in Ward Nos.30 to 33, for the past several years. According to the petitioner, there is no hindrance to the passerby, devotees and the public and there is no disturbance caused to the traffic and free flow of vehicles. The street vendors are doing their vending business by placing small wooden flakes, table, pulling cycle etc. Now, suddenly, the authorities are taking action to vacate the street vendors. As against the said action, the petitioner Sangam has filed the writ petition with the aforesaid prayer.

6. The learned counsel appearing for the petitioner would contend that when the Municipality has considered for issuance of Identity Card to the members of the petitioner's Sangam, they are entitled to run their street vending business in the aforesaid Giriveethi, which belongs to the Municipality. The learned counsel would further submit that the Street Vendors (Protection of Livelihood and Regulations of Street Vending)



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Act, 2014 and the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015, have been framed in order to protect the right of the street vendors and therefore, they are seeking protection to continue their business in the aforesaid Giriveethi belongs to the Municipality.

7. However, the learned Standing Counsel appearing for the Palani Municipality, has strongly objected the contention of the learned counsel for the petitioner and would submit that the said Giriveethi, is not under the control of the Municipality and the same is under the control and maintenance of Arulmigu Dhandayuthabani Devasthanam. Therefore, the contention of the learned counsel for the petitioner is liable to be rejected at the threshold.

8. The learned counsel appearing for the temple, has reiterated the stand taken by the Municipality stating that those are the lands, which are now under the control and maintenance of Arulmigu Dhandayuthabani Devasthanam. He would further submit that pursuant to the earlier direction of the Division Bench of this Court for removal of encroachment in and around the Giriveethi, now the respondents have



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taken action for removal of such encroachment in the Giriveethi in compliance of the direction of the Division Bench of this Court, in public interest and also to regularize the traffic as well as for the benefit of the lakhs and lakhs of devotees coming to the Arulmigu Dhandayuthabani Temple. He would further submit that necessary regulatory measures are being taken by the Devasthanam and the same is also reported before this Court.

9. We have heard the submissions made on either side and perused the materials placed before us.

10. We have gone through the earlier order of a Division Bench of this Court in W.P(MD)Nos.1341 of 2017 and 191 of 2016, dated 16.08.2017, wherein in paragraph No.5 of the order, the Division Bench has passed the following order:

“5.The learned counsel appearing for the Devasthanam strenuously submitted that whatever commercial activity is licensed by Devasthanam is only in respect of its patta lands and not in the Giri Veethi. This submission is placed on record. This Court specifically restrain the respondents in W.P(MD)No.1341



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of 2017 from issuing license / Identity Cards for street vendors in respect of the Giriveethi at Palani. Since object of both the writ petitioner appears to be one and the same, this Court has no hesitation in allowing both the writ petitions.....”

11. The Division Bench has specifically restrained the respondents in W.P(MD)No.1341 of 2017, from issuing licence or Identity Cards for the street vendors in respect of Giriveethi. Therefore, when it is clearly indicated that the authorities are restrained from issuing licence or Identity Cars for running street vending business in the Giriveethi, now the petitioner Sangam has filed the writ petition stating that the members of the petitioner Sangam made application seeking licence from the authorities.

12. We have gone through the typed set of papers filed by the petitioner. It is seen that one C.P.Jeyaseelan, the District Secretary of the petitioner Sangam, has made a representation before the respondents on 05.02.2024, requesting to grant permission to the members of the petitioner Sangam, to continue the street vending business in and around the Giriveethi and based on the said representation, the petitioner



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Sangam has filed this writ petition and no other materials have been produced before this Court to show that applications have been made seeking to grant licence. Therefore, we are of the view that *locus standi* of the petitioner is questionable when there is no proper materials or the details have been furnished before this Court.

13. When the earlier Division Bench has passed an order restraining the respondents from issuing any licence or Identity Card to any street vendor, it is surprised that the petitioner Sangam has filed such an affidavit stating that the members of the petitioner Sangam made application seeking licence from the authorities. It is unable to know that what kind of business is run by the members of the petitioner Sangam and what kind of application has been made by them and nothing has been stated in the affidavit filed in support of this writ petition.

14. According to the learned counsel for the petitioner, this writ petition is filed by the members of the petitioner Sangam, seeking protection of their street vending business in Palani Giriveethi alone.



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15. However, in the light of the earlier order passed by the Division Bench of this Court in W.P(MD)Nos.1341 of 2017 and 191 of 2016, dated 16.08.2017 and in the light of G.O.Ms.No.1258, Local Administration Department, dated 28.06.1948, it is clear that there shall not be any commercial activities in and around the Giriveethi and there shall not be any encroachment. However, the petitioner being a Sangam has simply filed the writ petition without furnishing any particulars, seeking right to the members of the petitioner Sangam to run the street vending business in and around the Giriveethi. Viewing from any angle, there is no substance in the submission made by the learned counsel appearing for the petitioner and therefore, we are not inclined to entertain the writ petition.

16. In the result, this writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

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Neutral Citation: Yes / No
Index : Yes / No
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and
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