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W.P.(MD)No.24669 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.24669 of 2018

and

W.M.P.(MD)Nos.22363 & 22364 of 2018

Dindigul Mavatta Salaiora Viyapara Thozilalar
Matrum Anaithu Pothu Tholilalargal Sangam,
Rep. by its President,
Mr.M.Ganesan,
S/o.Mariappan,
KTK Thangamani Illam,
No.-88A, Mengills Road,
Nagal Nagar Post,
Dindigul Taluk,
Dindigul District.

: Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Palani Municipality,
Rep. by its Commissioner,
Palani Taluk,
Dindigul District.



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3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Palani Taluk,
Dindigul District.

4.The Arulmigu Shri Dhandayuthapani Temple,
Rep. by its Executive Officer,
Giri Veethi,
Palani Taluk,
Dindigul District.

5.The Town Vending Committee,
Rep. by its Chairman,
Palani Municipality Campus,
Palani Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the fifth respondent to declare the Girivala Pathai, Palani Taluk, Dindigul District as a Vending Zone and consequently forbear the respondents from evicting the members of the petitioner association street vendors around the Arulmigu Thandayutha Pani Swamy Temple at Girivala Pathai, Palani Taluk, Dindigul District within the time frame stipulated by this Court.



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For Petitioner : Mr.P.Vetrivel
for Mr.S.Rajasekar
For Respondents 1&3 : Mr.S.P.Maharajan
Special Government Pleader
For Respondent No.2 : No appearance
For Respondent No.4 : Mr.R.Murali
Standing Counsel

O R D E R

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

Learned Counsel for the petitioner submitted that based on the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015, the petitioner association seeks to declare the Girivala Pathai of Arulmighu Thanayutha Pani Swamy Temple, Palani as a vending zone and consequently, seeks to forbear the respondents from evicting the members of the petitioner association from the Girivala Pathai.

2.According to the petitioner, the members of the petitioner association are doing the street vending for time immemorial and they are entitled to seek for the aforesaid prayer of declaring the Girivala Pathai as Street Vending Zone.



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3. According to the learned Standing Counsel for the temple, the said Girivala Pathai is not under the control of the temple and it is under the control of the Municipality. Further, the earlier writ petition filed in W.P.(MD)No.6899 of 2024, seeking for alternative place and for framing a scheme under the Act is pending before this Court. As of now, all the street vendors have been evicted from the Girivala Pathai.

4. Following the Division Bench judgment of this Court in W.P.(MD)No.1341 of 2016 dated 16.08.2017, where there is a specific prohibition for the respondents therein from issuing license / Identity Cards for street vendors in respect of the Giriveethi at Palani, this Writ Petition cannot be entertained.

5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

26.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

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ORDER MADE IN
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