



W.P(MD)No.26534 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.26534 of 2024
and
WMP(MD)No.22496 of 2024**

A.G.Raja

... Petitioner

vs.

1. The Principal Secretary to Municipal Administration &
Water Supply Department,
Chief Secretariat,
St. George Fort,
Chennai-600009.

2. The Director of Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai-600028.

3. The Regional Director of Municipal Administration,
Melakkal Road,
Kochadai,
Madurai-625016.

4. Municipal Commissioner,
Karaikudi Municipal Corporation,



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Karaikudi,
Sivagangai District.

... Respondents

WEB COPY

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to collect the vending fees per annum, as per the square feet used by the Street Vendors, by giving proper receipt and by nullifying the unadvertised auction, dated 16.02.2024 based on the petitioner's representation dated 18.09.2024.

For Petitioner : Mr.K.K.Samy
For R1 to R3 : Mr.P.Thilakkumar, Government Pleader
For R4 : Mr.EP.Venkateshwar

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the 4th respondent to collect the vending fees per annum, as per the square feet used by the street vendors, by giving proper receipts and by nullifying the unadvertised auction, dated 16.02.2024 based on the petitioner's representation dated 18.09.2024.



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WEB COP 2.

The learned counsel for the petitioner would submit that the 4th respondent/Karaikudi Municipal Corporation awarded tenders to some contractors for collecting licence fee from the road side vendors of various goods in the 4th respondent municipal limits. However, such contractors are collecting excess licence fee and during festival seasons, the licence fee would be double and triple than the actual licence fee. He would further submit that the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, have not been followed by the contractors and in contravention of the said Act, they are collecting exorbitant amount towards licence fee from the street vendors. Hence, the petitioner made a representation dated 18.09.2024, to the respondents 3 and 4, to cancel the tenders awarded to the contractors, who are collecting excess licence fee and finding no heed to it was paid, he has filed the present writ petition.

3. Heard both sides.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents 3 and 4 herein, to consider the petitioner's representation dated 18.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other concerned persons, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.



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7. With the above direction, the Writ Petition stands disposed

of. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
03.12.2024

Index : Yes / No

Neutral Citation : Yes / No

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M.S.RAMESH, J.
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A.D.MARIA CLETE, J.

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ORDER MADE IN
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DATED : 03.12.2024