



W.P.(MD)No.14339 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.14339 of 2017

and

W.M.P.(MD)No.11230 of 2017

S.Mariyam

... Petitioner

versus

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner,
Madurai Corporation,
Madurai.
3. The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Madurai – 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent pertaining to its order bearing Na.Ka.No.30736/2014/J3 dated 20.07.2017 and to quash the same and consequently, direct the respondent to permit the petitioner to



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put up a small Petti shop near the toilet in between the Mattuthavani Bus Stand and Omni Bus Stand at 0/950 Km. on the Madurai Natham Road.

For Petitioner : Mr.S.C.Herold Singh
For R1 and R3 : Mr.A.Baskaran,
Additional Government Pleader
For R2 : Mr.F.Deepak,
Standing Counsel

ORDER

The petitioner, a disabled person having disability at 45%, has filed this writ petition, as against the order of the District Collector, Madurai, dated 20.07.2017, rejecting the request of the petitioner to have a shop near the Mattuthavani Bus Stand. Aggrieved over that, the petitioner has filed this writ petition.

2. The learned counsel appearing for the petitioner submits that the petitioner was permitted to have a shop near Mattuthavani Bus Stand in the year 2012. While so, the 2nd respondent directed the petitioner to vacate the shop stating that they are intending to expand the road to ease the traffic congestion. At that time, the petitioner was



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promised that he would be permitted to have a shop near the place.

Thereafter, the petitioner was not permitted to have a shop near the place. Therefore, he filed a writ petition in W.P.(MD)No.4764 of 2014 before this Court and this Court, by order dated 07.12.2015, disposed of the writ petition directing the petitioner to submit an application before the District Collector, Madurai, for allotment of the site for running a shop. Pursuant to the same, the petitioner has submitted an application before the District Collector, Madurai. The District, Madurai, by the order impugned in this writ petition, rejected the request of the petitioner. According to the learned counsel appearing for the petitioner, in order to accommodate another person, the petitioner's shop alone was forcibly removed from that place.

3. The learned Additional Government Pleader appearing for the respondents 1 and 3 submits that the petitioner was permitted by the Divisional Engineer of Highways Department in the year 2012 and the licence was renewed upto the year 2013 and thereafter, it was not



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renewed. The permission was given only as a temporary measure and therefore, the petitioner cannot claim it as a matter of right that he must be permitted to have a shop near Mattuthavani Bus Stand.

4. The learned counsel appearing for the 2nd respondent submits that the Madurai Mattuthavani Bus Stand has been declared as a Non-Vending Zone and therefore, shops cannot be permitted in and around the Mattuthavani Bus Stand. They are also taking steps to remove all other shops in front of Mattuthavani Bus Stand, to ensure that the places are available for the commuters, who are visiting the bus stand.

5. This Court considered the rival submissions made.

6. Though the petitioner claims that he is a disabled person and on that account, he was permitted to have a shop near Mattuthavani Bus Stand in the year 2012 which was extended upto 2013 and thereafter, it was not extended. Under Section 26 of the Tamil Nadu



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Highways Act, 2001, the Highways Authority can give permission only for a limited period and it cannot be extended for further period.

According to the learned counsel for the 2nd respondent/Madurai Corporation, the Mattuthavani Bus Stand is a Non-Vending Zone.

Therefore, this Court is not inclined to entertain this writ petition.

7. Accordingly, this writ petition is dismissed with liberty to the petitioner to submit a representation before the first respondent/the District Collector, Madurai, within a period of two weeks from the date of receipt of a copy of this order. The District Collector, Madurai, shall ascertain through his officers as to whether the petitioner is eligible to have a shop under the Street Vendors Act and if so, recommend the petitioner to the Street Vending Committee, within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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