



W.P.(MD)Nos.18849 to 18852 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **02.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)Nos.18849 to 18852 of 2017

Kannan	... Petitioner in W.P.(MD)No.18849/2017
Pandi	... Petitioner in W.P.(MD)No.18850/2017
U.Jahir Hussain	... Petitioner in W.P.(MD)No.18851/2017
Kadhar Moideen	... Petitioner in W.P.(MD)No.18852/2017

/Vs./

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Corporation,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

3.The Divisional Engineer,
Highways (C & M), Madurai.

4.The Assistant Engineer,
Tamil Nadu Electricity Board,
K.Pudur Unit,
K.Pudur, Madurai.

... Respondents in all petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to provide alternative place for running petty shop near Mattuthavani bus stand in Madurai by considering the petitioners' representation dated 14.02.2017.



W.P(MD)Nos.18849 to 18852 of 2017

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In W.P.(MD)Nos.18849, 18851 & 18852 of 2017:

For Petitioner	: Mr.S.M.A.Jinnah
For R1 & R3	: Mr.P.Subba Raj
	Special Government Pleader
For R2	: Mr.F.Deepak
For R4	: Mr.S.Dheenadhayalan

In W.P.(MD)No.18850 of 2017:

For Petitioner	: Mr.S.M.A.Jinnah
For R1 & R3	: Mr.P.Subba Raj
	Special Government Pleader
For R2	: Mr.K.Manisekaran
For R4	: Mr.S.Dheenadhayalan

COMMON ORDER

These writ petitions have been filed for issuance of writ of mandamus directing the respondents to consider the representations submitted by the petitioners seeking alternative place for running their petty shops.

2.The petitioners were running petty shops near Madurai Mattuthavani Omni bus stand compound wall. They were issued with license and also paying necessary license fee to the second respondent. They have also got electricity connection to their shops and paying electricity charges. While so, on 13.02.2017, without any notice, the third and fourth respondents demolished the shops of the petitioners. Hence, the petitioners sent representations on 14.02.2017



W.P(MD)Nos.18849 to 18852 of 2017

to the respondents seeking to provide an alternative place for running the petty shops. Since the same were not considered, the petitioners were constrained to move these writ petitions.

3.The learned counsel for the petitioners submitted that the petitioners were running their petty shops without any hindrance to the public and also to the traffic. Further, they were paying the license fee and electricity charges without fail. However, the second respondent demolished the shops without following the due process of law. Hence, he seeks consideration of these writ petitions.

4.The learned counsel for the respondent corporation submits that the bus stand is the place already declared as a non-vending zone and therefore, the petitioners are not entitled to have any shops in that place. Further, the petitioners as encroachers had put up the shops without any authority and therefore, their shops were demolished by the respondents.

5.The learned counsel for the respondent corporation has taken a stand that the place in question is declared as a non-vending zone and hence, this Court is not inclined to consider the claim made by the petitioners. Accordingly, these writ petitions stand dismissed. However, the petitioners are at liberty to redress



W.P(MD)Nos.18849 to 18852 of 2017

their grievances under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 by making appropriate applications before the Town Vending Committee. No costs.

02.01.2024

Index : Yes / No

Internet : Yes / No

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W.P(MD)Nos.18849 to 18852 of 2017

B.PUGALENDHI,J.

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W.P(MD)Nos.18849 to 18852 of 2017

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