

Petitioner Vs. Respondent

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Court : Chennai Madurai

Decided On : Sep-01-2016

Judge : K.K. Sasidharan & B. Gokuldas

Appeal No. : W.P (MD) No. 20580 of 2015

Appellant : Petitioner

Respondent : Respondent

Judgement :

K.K. Sasidharan, J.

1. The petitioners are stated to be engaged in street vending. Their area of occupation is Valayalkara Street in Thirumangalam Municipality.
2. It is the case of the petitioners that the Commissioner, Thirumangalam Municipality with a view to provide access to an influential businessmen made an attempt to evict them and put an end to their street vending. The petitioners therefore filed this writ petition.
3. The Commissioner, Thirumangalam Municipality in his counter affidavit disputed the version given by the petitioners. According to him, the petitioners have located their shops in such a way that nobody is in a position to enter Valayalkara Street.

4. There is a dispute with regard to the location of the business carried on by the petitioners as street vendors. The Commissioner produced a sketch and few photographs. The petitioners have also produced photographs to demonstrate that they have not been doing business in an objectionable manner.

5. The street vendors are protected by the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014. The Act came into force on 05.03.2014. It is the statutory obligation of the Local Body to constitute a Town Vending Committee under the provisions of the Act. Similarly, they have to conduct a survey in accordance with the Scheme. The Municipality is yet to conduct survey. Even the size of the shops are not clear. We are therefore of the view that a report should be called for by appointing an Advocate Commissioner.

6. We appoint Mrs.P.Krishnaveni, Cell No.99946 09673, No.10, Law Chambers, Madurai Bench of Madras High Court, Madurai, as an Advocate Commissioner to inspect the area in question and more particularly, East Valayalkara Street in Thirumangalam Municipality. The Advocate Commissioner shall prepare a sketch of the street and indicate the size of the respective shops. It shall be her endeavour to make a report with regard to the business conducted by the street vendors including the petitioners. She should also report as to whether the location of the place is suitable for street vending and whether pedestrian movement is affected.

7. The Commissioner, Thirumangalam is directed to depute a Surveyor to assist the Advocate Commissioner for preparing a plan of the area in question.

8. The Commissioner, Thirumangalam Municipality is directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only) towards initial fee to the Advocate Commissioner forthwith. The travelling expenses shall also be borne by the Local Body.

9. Post on 26.09.2016 for filing report. The status quo as on today shall be maintained until further orders.

Note to office: Issue order copy by 06.09.2016.

