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K.D. Sabu vs Assistant Engineer

K.D. Sabu vs Assistant Engineer

SooperKanoon Citation : sooperkanoon.com/1446431

Court : Kerala

Decided On : Jan-28-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/2955/2022

Appellant : K.D. Sabu

Respondent : Assistant Engineer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2866 OF 2022 PETITIONER: P.A.NAZIR, AGED 52 YEARS, SON OF ALI, RESIDING AT VAZHEPPALLATH HOUSE, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY G.SAVITHA M.M.SHAJAHAN BHOOMIKA SAJAN ASWATHI S. KUMAR RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF

KADUGALLUR GRAMA PANCHAYATH, ALUVA- EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2867/2022, 2870/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2867 OF 2022 PETITIONER: V M PURUSHAN, AGED 65 YEARS SON OF VAREEDU, RESIDING AT VADEKKE VEEDU, BINANIPURAM (PO), EDAYAR, ERNAKULAM DISTRICT, PIN - 683 502. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY SAVITHA GANAPATHIYATAN M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUGALLUR GRAMA PANCHAYATH, ALUVA-EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2870 OF 2022 PETITIONER: M.I.SHAMSUDEEN, AGED 54 YEARS SON OF IBRAHIM, MUTHIRAKKAL HOUSE, EDAYAR, BINANIPURAM (PO), ERNAKULAM DISTRICT, PIN - 683 502. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY G.SAVITHA M.M.SHAJAHAN BHOOMIKA SAJAN ASWATHI S. KUMAR RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUGALLUR GRAMA PANCHAHYATH, ALUVA - EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110, REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2880 OF 2022 PETITIONER: FATHIMA, AGED 49 YEARS, DAUGHTER OF HAMZA, PALAKKAL HOUSE, THANDIRICKAL, EDAYAR, BINANIPURAM (PO), ERNAKULAM DISTRICT, PIN - 683 502. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY G.SAVITHA M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUNGALLUR GRAMA PANCHAYATH OFFICE OF

KADUGALLUR GRAMA PANCHAYATH, ALUVAA-EDAYAR ROAD, MUPPATHADOM (PO), ERNAKULAM DISTRICT, PIN - 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2900 OF 2022 PETITIONER: C.B.HAMZA, AGED 70 YEARS, SON OF BAVA, CHETHAMBILLY HOUSE, EDAYAR, BINANIPURAM (PO), ERNAKULAM DISTRICT, PIN - 683 502. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY SAVITHA GANAPATHIYATAN M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUVALLUR GRAMA PANCHAYATH, ALUVA-EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2904 OF 2022 PETITIONER: MEETHEYIN KUTTY, AGED 65 YEARS SON OF KHADEER, NEDUMPURATHU HOUSE, PANAYIKULAM (PO), ERNAKULAM DISTRICT, PIN - 683 511. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY SAVITHA GANAPATHIYATAN M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682033. 2 KADUNGALLUR GRAMA PANCHAYATH OFFICE OF KADAUNGALLUR GRAMA PANCHAYATH, ALUVA - EDAUYAR ROAD, MUPPATHADOM (PO), ERNAKULAM DISTRICT, PIN - 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2919 OF 2022 PETITIONER: SAMSON SAMUEL, AGED 45 YEARS SON OF SAMUEL, RESIDING AT KATTIPARAMBIL HOUSE, MUPPATHADAM (PO), ALUVA, ERNAKULAM DISTRICT, PIN - 683 110. BY ADVS. SHAJI CHIRAYATH JIJI M.VARKEY M.K.SAFEELA BEEVI G.SAVITHA BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH, OFFICE OF

KADUGALLUR GRAMA PANCHAYATH, ALUVA-EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110, REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2932 OF 2022 PETITIONERS: K.A. ABUBACKER, AGED 63 YEARS SON OF ABDHU, KOLLAKUNNU HOUSE, KANITEKARA, MUPPATHDAM (PO), ERNAKULAM DISTRICT, PIN - 683 101. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY G.SAVITHA M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUGALLUR GRAMA PANCHAYATH, ALUVA-EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110, REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2941 OF 2022 PETITIONER: K.P.SARALA, AGED 60 YEARS, DAUGHTER OF PARAMU, MULANGATHU HOUSE, EDAYAR, BINANIPURAM (PO), ERNAKULAM DISTRICT, PIN - 683 502. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY SAVITHA GANAPATHIYATAN M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUGALLUR GRAMA PANCHAYATH, ALUVA-EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN - 683 110, REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2951 OF 2022 PETITIONER: MUHAMMED, AGED 62 YEARS, SON OF ISMAIL, KOLLAKUNNEL HOUSE, EDAYAR, BINANIPURAM (PO), ERNAKULAM DISTRICT, PIN - 683 502. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY SAVITHA GANAPATHIYATAN M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF

KADUNGALLUR GRAMA PANCHAYATH, ALUVA - EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN- 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2885 OF 2022 PETITIONERS: MOHAN, AGED 65 YEARS, SON OF SIVARAMAN, RESIDING AT KALLENGATT HOUSE, WEST KADUNGALOOR, MUPPATHADAM PO, ERNAKULAM DISTRICT, PIN 683 101 BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY SAVITHA GANAPATHIYATAN M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUNGALLUR GRAMA PANCHAYATH, ALUVA - EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN- 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2955 OF 2022 PETITIONER: K.D. SABU, AGED 53 YEARS, SON OF DEVASSY, KANIPPILLY HOUSE, EDAYAR, BINANIPURAM (PO), ERNAKULAM DISTRICT, PIN - 683 502. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY SAVITHA GANAPATHIYATAN M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUGALLUR GRAMA PANCHAYATH, ALUVA-EDAYAR ROAD, MUPPATHADAM (PO), ERNAKULAM DISTRICT, PIN -683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2985 OF 2022 PETITIONER: MAHIN, AGED 45 YEARS, SON OF MOIDEEN, KANNARNKERY HOUSE, ELOOR EAST, UDYOGAMANDAL PO, ERNAKULAM DISTRICT, PIN 683 501. BY ADVS. SHAJI CHIRAYATH JIJI M. VARKEY M.K.SAFEELA BEEVI G.SAVITHA M.M.SHAJAHAN BHOOMIKA SAJAN RESPONDENTS: 1 ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, OFFICE OF THE ASSISTANT ENGINEER, PWD ROADS SECTION OFFICE, KALAMASSERY, ERNAKULAM DISTRICT, PIN - 682 033. 2 KADUGALLUR GRAMA PANCHAYATH OFFICE OF KADUNGALLUR GRAMA PANCHAYATH, ALUVA - EDAYAR ROAD, MUPPATHADAM

(PO), ERNAKULAM DISTRICT, PIN- 683 110 REPRESENTED BY ITS SECRETARY. SMT.K.AMMINIKUTTY - SR.G.P. SRI. DINESH MATHEW J MURICKEN - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, ALONG WITH WP(C).2866/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

These Writ Petitions have been taken up and are being disposed of together, because it impels analogous factual circumstances and have sought similar, if not identical, reliefs.

2. The petitioners in these cases are stated to be Street

Vendors, enjoying the protection of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereinafter referred to as the Street Vendors Act for short). They say that, however, even before the National Policy of Urban Street Vendors had been implemented by the Grama Panchayat, the Assistant Engineer/Assistant Executive Engineer of the Public Works Department (PWD) (Roads Division), has issued notices to them, namely Ext.P2 in all these cases, purportedly under the provisions of the Kerala Highway Protection Act, 1999 (hereinafter referred to as the Highway Protection Act for short) asking to evict themselves from the area where they are presently occupying for their business. They say that Ext.P2 is egregiously improper and contrary to law and therefore, they have preferred Ext.P3 representation before the issuing Authority and pray that all further action pursuant to the said notices be interdicted.

3. I have heard Sri.Aswathy S. Kumar - learned counsel

for the petitioners in all these cases; Sri.Ahmed Salim - learned counsel representing Sri.Dinesh Mathew Muricken - learned Standing Counsel for the Kadungalloor Panchayat and Smt.K.Amminikutty - learned Government Pleader appearing on behalf of the official respondents.

4. Smt.K.Amminikutty - learned Senior Government

Pleader, vehemently opposed these Writ Petitions saying that there is nothing on record even to whisperingly indicate that petitioners are Street Vendors as defined under the provisions of the Street Vendors Act. She submitted that this a matter which is to be decided by the Panchayat appropriately; and added that however, eviction from the areas on which the petitioners are holding possession, is imperative from the standpoint of the safety of the PWD Road in question. She, therefore, prayed that these Writ Petitions be dismissed, particularly because the petitioners have already preferred Ext.P3 objections before the competent Authority.

5. However, to a pointed question from this Court,

Smt.K.Amminikutty conceded that Ext.P2 has been issued either by the Assistant Engineer or the Assistant Executive Engineer and that it can only be construed to be an intimation to the petitioners to voluntarily evict themselves from the areas in question. She submitted that the statutory competent Authority to issue notices for eviction is the Executive Engineer under Section 4 of the Highway Protection Act and that said Authority will act accordingly if the petitioners do not evict themselves voluntarily, as has been sought through Ext.P2. She submitted that, therefore, liberty may be reserved to the Executive Engineer - who is the competent Authority under the Highway Protection Act - to issue appropriate notices to the petitioners, so that they can be evicted as per law.

6. Sri.Ahamed Salim affirmed that his client - the

Panchayat - has not yet verified if the petitioners are Street Vendors, enjoying protection under the Street Vendors Act. He submitted that merely because a person asserts to be a Street Vendor, he/she cannot be construed to obtain that character, unless the specific criteria as is required under the afore said Act is demonstrated and satisfied. He submitted that petitioners have not yet approached the Panchayat seeking any such relief and therefore, prayed that this Writ Petition be dismissed.

7. When I evaluate the afore submissions, it is without

doubt that Ext.P2 notice, which is impugned in these cases, has been issued by an Authority who is not the competent one under Section 4 of the Highway Protection Act. Obviously, therefore, they can only be construed - as correctly stated by the learned Senior Government Pleader - to be a notice to the petitioners to evict themselves from the property voluntarily, if they are so interested. If they choose not to do so, then certainly, the Executive Engineer will obtain competence to issue appropriate Statutory notices under Section 4 of the Highway Protection Act, which will then lead to consequent action, subject to the statutory remedies and rights of the petitioners.

8. As matters now stand, the petitioners are only facing

Ext.P2 notice, which, as I have already said above, is not Statutory ones under Section 4 of the Highway Protection Act; and obviously, therefore, I cannot find any cause for concern for them at this stage. Resultantly, I close these Writ Petitions, recording the submissions of the learned Senior Government Pleader as afore; but leaving liberty to the competent Authority under the Highway Protection Act to issue appropriate notices to the petitioners, if it becomes so warranted; however, reserving full liberty to them to contest the same as per law, for which purpose, all their contentions are left open. It is also made clear that the question whether petitioners are Street Vendors or otherwise has not been spoken about in this judgment; and that it is left to be decided by the appropriate Panchayat, as and when it becomes necessary, consequent to any application or reference being made to them by the petitioners or any other competent Authority. Sd/- RR DEVAN RAMACHANDRAN JUDGE APPENDIX OF WP(C) 2866/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2870/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)

ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT. APPENDIX OF WP(C) 2867/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2880/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2900/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2904/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)ACT, 2014. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BUY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2919/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014. Exhibit P2 COPY OF

THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE ABOVE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT. APPENDIX OF WP(C) 2932/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2941/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2951/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WPC 2885/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WPC 2955 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE

01ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 01ST RESPONDENT. APPENDIX OF WP(C) 2985/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE GAZETTE NOTIFICATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING)ACT, 2014 ACT. Exhibit P2 COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT ASKING THE PETITIONER TO HANDOVER VACANT POSSESSION. Exhibit P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

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