



2024:KER:20330

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

TUESDAY, THE 12<sup>TH</sup> DAY OF MARCH 2024 / 22ND PHALGUNA, 1945

WP(C) NO. 8349 OF 2024

PETITIONERS:

- 1 SHAMNAD N  
AGED 37 YEARS  
R/O POTTAVILA PUTHENVEED  
KALATHODU P.O KRISHNAPURAM  
THRISSUR, PIN - 680655
- 2 BINU P.P  
AGED 43 YEARS  
R/O PARASSERY HOUSE, KUTTIKKAD P.O,  
CHALAKUDY, THRISSUR, PIN - 680724
- 3 SHABEER N  
AGED 37 YEARS  
R/O POTTAVILA, PUTHENVEED, KALATHODU P.O,  
KRISHNAPURAM, THRISSUR, PIN - 680655
- 4 GOPALAKRISHNAN P  
AGED 71 YEARS  
RESIDENT OF PALAKKAL HOUSE  
M.G NAGAR FOURTH SREET HOUSE NO 131,  
WARD 2 POONKUNNAM, THRISSUR, PIN - 680002
- 5 SIBI JOSEPH  
AGED 49 YEARS  
IDAVAZHIKKAL HOUSE MAMMATTIKKAANAM P.O,  
HOUSE NO. 123, VASANTHA VIHAR COLONY  
UNITY ROAD KURIYACHIRA, THRISSUR, PIN - 680501

BY ADVS.  
P.V.VINOD (BENGALAM)  
D.REETHA  
SHIYAS K.R.



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**RESPONDENTS:**

- 1 THE CORPORATION OF THRISSUR THROUGH SECRETARY  
MUNICIPAL OFFICE ROAD, THRISSUR, PIN - 680001
- 2 THE STATE OF KERALA THROUGH THE CHIEF SECRETARY  
ROOM NO.202, NORTH SANDWICH BLOCK,  
SECRETARIAT, TRIVANDRUM, PIN - 695001

BY ADV SANTHOSH P.PODUVAL  
SRI.S. GOPINATHAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 12.03.2024, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



## **JUDGMENT**

Dated this the 12<sup>th</sup> day of March, 2024

The petitioners, who are five in number, are street vendors in Thrissur Municipal Corporation. The petitioners state that they have been engaged in selling second-hand books in the streets of Thrissur city, mainly on Palace Road, for more than 30 years.

2. The petitioners are challenging Ext.P6 and seek to restrain the 1<sup>st</sup> respondent-Corporation from taking any action on eviction of the petitioners from the place of their vending under Ext.P6 order. According to the petitioners, the respondents are bound to conduct a survey of the entire Corporation area before taking any coercive action against the street vendors. The petitioners would assert that no comprehensive survey has been conducted as mandated by Section 3 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.



3. Standing Counsel entered appearance on behalf of the respondents and resisted the writ petition. The Standing Counsel submitted that the Corporation has conducted a survey of street vending and has come out with a voters list, in which the names of petitioners 2 to 5 have already been included. Therefore, the ground urged by the petitioners that there is no comprehensive survey cannot stand the scrutiny of law.

4. Be that as it may, I find that the petitioners would fall within the definition of street vendor as contained in Section 2 of the Act, 2014. Section 20 of the Act, 2014 provides that appropriate Government may constitute one or more committees consisting of a Chairperson, who has been a Civil Judge or a Judicial Magistrate and two other professionals having such experience as may be prescribed for the purpose of designing the applications received under Sub-section (2). Sub-section (2) of Section 20 provides that every street vendor who has a grievance or dispute may make an application in writing to the committee constituted under Sub-section (1) in



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such form and in such manner as may be prescribed. The Standing Counsel would submit that a Committee has been formed in the Thrissur Municipal Corporation as contemplated under Section 20 of the Act, 2014. In that view of the matter, it would be only appropriate for the petitioners to approach the said Committee for redressal of grievances, if any, subsisting.

The writ petition is therefore disposed of permitting the petitioners to raise their grievances before the Grievance Redressal Committee constituted under Section 20 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. If the petitioners raise their grievances within a period of two weeks from today, coercive proceedings, if any, against the petitioners shall stand deferred till the Grievance Redressal Committee takes appropriate decision in the matter.

**Sd/-**

**N.NAGARESH**

**JUDGE**

spk



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**APPENDIX OF WP(C) 8349/2024****PETITIONER EXHIBITS**

- Exhibit P-1 THE TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER 1
- Exhibit P-2 THE TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER 2
- Exhibit P-3 THE TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER 3
- Exhibit P-4 THE TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER 4
- Exhibit P-5 THE TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER 5
- Exhibit P-6 THE TRUE COPY OF THE OFFICE ORDER VIDE NUMBERED PH9/R13/41541/12, DATED 17.02.2024
- Exhibit P-7 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
- Exhibit P-8 THE RESPONDENT HAD ISSUED AN ACKNOWLEDGEMENT RECEIPT TO THE PETITIONER
- Exhibit P-9 THE TRUE COPY OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014
- Exhibit P-10 THE TRUE COPY OF THE KERALA STREET VENDORS (PROTECTION OF LIVELIHOOD, REGULATION OF STREET VENDING AND LICENSING) SCHEME, 2019
- Exhibit P-11 THE TRUE COPY OF THE JUDGMENT DATED 05.03.2015 IN THANKAPPAN V THE DISTRICT COLLECTOR, WP (C ) NO.33114 OF 2014
- Exhibit P-12 THE TRUE COPY OF THE TOWN VENDING COMMITTEE VOTERS LIST 2022
- Exhibit P-13 THE TRUE COPY OF THE JUDGMENT DATED 09.09.2013 IN MAHARASHTRA EKTA HAWKERS UNION V. MUNICIPAL CORPN., GREATER MUMBAI, (2014) 1 SCC 490: 2013 SCC ONLINE SC 815