



**GOVERNMENT OF KERALA**  
Abstract

LSGD –Judgment of the Hon’ble High Court in WP©No.33740/14 N filed by Sri. Ksheman, Secretary Vyapari Sangam, Thrissur Merchant’s Association dtd: 7-1-2015 – Contempt case No.716/15 in WP©No.33740/14 – Compliance of court direction - Orders issued.

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**LOCAL SELF GOVERNMENT (DB) DEPARTMENT**

Go(Rt)No. 2073/15/LSGD      Dated, Thiruvananthapuram      8/07/2015

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- Read: -1. Representation dated 17-10-14 from Sri. Ksheman.C, Secretary Vyapari Sangam, Thrissur, District Merchant’s Association, Pallakkal Angadi, Thrissur – 680001.
2. Judgment dtd: 7/1/15 in WP©No.33740/14 N.
  3. Contempt Case No. 716/15 in WP© No.33740/14.
  4. Letter dtd: 29-6-15 from Sri. Ksheman.C.
  5. Letter No.R7/11080/2001 from the Secretary, Municipal Corporation, Thrissur.

**ORDER**

Sri. Ksheman.C, Secretary Vyapari Sangam, Thrissur District Merchant’s Association, Pallakkal Angadi, Thrissur has filed WP© No.33740/14 N before Hon’ble High Court of Kerala praying to properly rehabilitate 49 street vendors of erstwhile Jai hind market near Municipal Bus stand, Thrissur to the Sakthan Thampuran Market by allowing them shops or bunks.

The petitioner is the Secretary of District Merchant’s Association Pallakkal Angadi, Thrissur, which is an association of Vegetable vendors and the petitioner is carrying out business in the Jaihind market close to the Municipal Bus stand with proper licence. In course of time the said market was shifted and despite repeated request, the petitioner and other members of the association was not provided with alternative shops

in the newly shifted market. Aggrieved by this the petitioners moved different judicial forums with their grievances and in the light of judgment in OP No. 13088/2001 dated: 24-11-2003, the Secretary Thrissur Corporation considered the claims of the petitioners and rejected the same. Aggrieved by this, the petitioners filed WP.©.No.22734/2005 before the Hon'ble High Court of Kerala and the Hon'ble High Court disposed of the case on 25-7-2008, directing the petitioners to approach the Government. Accordingly the petitioners filed Ext.P9 representation, which is the representation read as 1<sup>st</sup> paper above, before Government. Then the petitioners filed WP©.No.33740/2014 before the High court alleging delay in disposal of Ext P9 representation. The Hon'ble High Court disposed of the case on 7-1-2015, directing the first respondent, Secretary, LSGD to consider Ext.P9 representation in accordance with law after affording an opportunity of being heard to the petitioner and pass appropriate orders there on as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of the judgment. Due to delay in the execution of the Hon'ble High Court order, the petitioner filed CC No.716/15 also before the Hon'ble High Court of Kerala.

In his Ext P9 representation the petitioner stated that the Thrissur Municipality had decided to shift Public Market from Jaihind market to a more spacious locality (Sakthan Thampuran Nagar Market). The temporary sheds of the petitioner and his co-vendors were dismantled and they were asked to move to the new place and allowed to continue their business at the STN market in open space. They were also assured that they would be rehabilitated at the time of expansion of the market. When the market was expanded by constructing about 28 shop rooms in the STN market, they were allotted to undeserving persons overlooking the petitioners claim. It is also submitted in the representation that the authorities have allotted new license to 36 persons overlooking the petitioners claim. The petitioner requested Government to issue necessary direction to the Corporation of Thrissur to allot shed or bunks or any structures that being constructed or to be constructed for them in preference to others considering their long standing claim over the same.

The Secretary Urban Affairs heard the petitioners and 2<sup>nd</sup> respondent on 29/6/2015. In the hearing the petitioners stick to their demand that they are eligible to be rehabilitated whereas the corporation authorities stated that they are not eligible for licence. As a decision could not be arrived at the time of hearing specific report was called for from the Secretary, Municipal Corporation, Thrissur on 29-6-2015. The Secretary, Municipal Corporation, Thrissur accordingly furnished the report read as 5<sup>th</sup> paper above in which he has stated that, if the claim of the petitioner Shri. Ksheman and others is considered, the Municipality will be constrained to accept the claim of all street vendors who were evicted earlier and it will eventually leads to monitory burden to the Municipality.

Government have examined the issue with reference to the records produced by the petitioner at the time of hearing and based on the report read as 5<sup>th</sup> paper above. It is seen that that the Municipality had issued license to the petitioner and others for vending goods in the open space at STN Market. Now steps are being taken by the Corporation to evict the unauthorized street vendors from the premise of STN Bus stand and rehabilitate them temporarily. As the Corporation has taken a lenient view in case of unauthorized street vendors Government consider that the petitioners Association is also eligible for a similar treatment as they were doing business on the strength of licence issued by the Corporation and their claim were declined without valid reason. In the circumstances, the Secretary, Municipal Corporation Thrissur is directed to consider the case of the petitioner's Association favourably and to take steps to rehabilitate them properly in the STN Market along with the unauthorized street vendors who are on the path of rehabilitation by the corporation of Thrissur.

The Judgment of the Hon'ble High read as 2<sup>nd</sup> paper above is accordingly complied with.

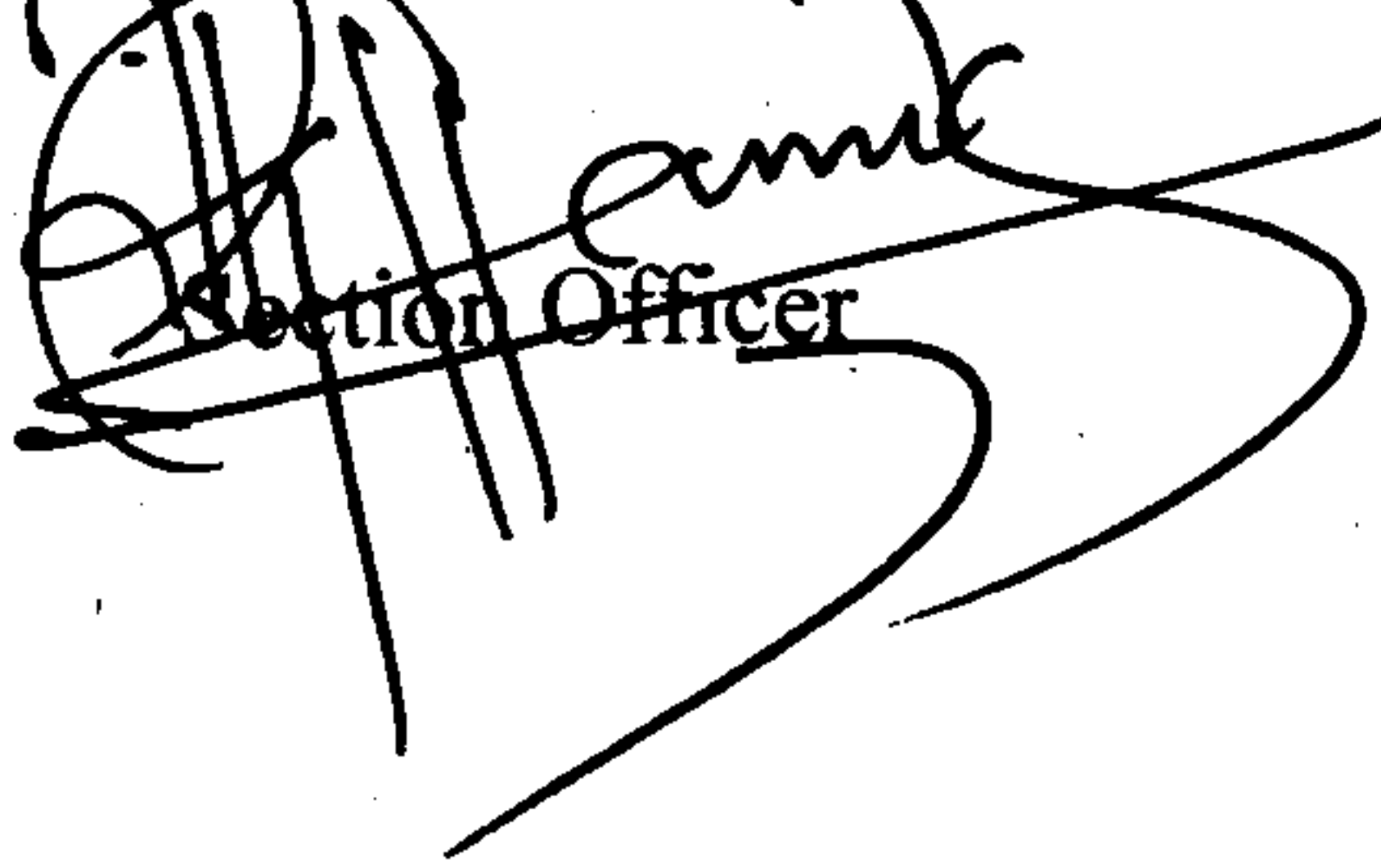
By Order of the Governor,

**A.P.M. MUHAMMED HANISH**  
**SECRETARY TO GOVERNMENT**

To

Shri. Ksheman, Secretary Vyapari Sangam, Thrissur Market Merchant's Association, Pallakkal Angadi, Thrissur 680001.  
The Advocate General, Ernakulam with CL  
The Director of Urban Affairs  
The Secretary, Municipal Corporation, Thrissur.  
The Accountant General (A&E), Audit, Thiruvananthapuram.  
✓ Director IKM, Thiruvananthapuram.  
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Section Officer