



2025:KER:82122

W.P.(C) No.37856 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 31ST DAY OF OCTOBER 2025 / 9TH KARTHIKA, 1947

WP(C) NO. 37856 OF 2024

PETITIONER:

MUSTHAFFA K.,
AGED 68 YEARS, S/O. LATE ISMAIL,
KALARIKKAL,
CHIGANAMPOIL, KEDAVOOR,
CHAMAL P.O., KOZHIKODE, PIN-673573

BY ADVS.
SRI.SHEJI P.ABRAHAM
SHRI.ABRAHAM JOSEPH

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY PRINCIPLE SECRETARY
LOCAL SELF GOVERNMENT, SECRETARIAT,
KOWDIAR P.O., THIRUVANANTHAPURAM,
PIN-695004
- 2 THAMARASSERY GRAMA PANCHAYATH
REPRESENTED BY THE SECRETARY,
THAMARASSERY P.O., KOZHIKODE,
PIN-673573
- 3 SECRETARY,
THAMARASSERY GRAMA PANCHAYATH,
THAMARASSERY P.O., KOZHIKODE,
PIN-673573



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R1 SMT. SURYA BINOY, SENIOR GOVERNMENT PLEADER

R2&R3 ADVS. SRI.VINOD SINGH CHERIYAN, STANDING COUNSEL
SRI.T.M.KHALID
SMT.K.P.SUSMITHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 31.10.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



MOHAMMED NIAS C.P., J.

W.P.(C) No.37856 of 2024

Dated this the 31st day of October, 2025

JUDGMENT

The Writ petition is filed with the following prayers:-

- i) Issue a writ of mandamus directing the respondents to protect the petitioner by issuing a certificate of vending (Protection of Livelihood and Regulation of street vending Act 2014) and permit to do street vending near Thamarassery Civil Station within the area of 2nd respondent.
- ii) Issue a writ of mandamus directing the 2nd respondent to implement Exhibit P4 Rules framed by the government to protect the street vendors within the area of the 2nd respondent Panchayath.
- iii) Issue a writ of mandamus directing the 2nd respondent to implement exhibit P5 scheme framed by the Government to protect the street vendors within the area of the 2nd respondent Panchayath.



iv) Issue a writ of order or direction directing the 3rd respondent to issue vending certificate to the petitioner as per Section 4 of the Street Vendors Act 2014 to do street vending without causing any nuisance and hindrance to the public, or pedestrians or to the traffic near Thamarassery Civil Station.

v) grant such other relief as this Hon^{ble} court may deem fit and proper in the facts and circumstances of the case including to dispense the translation of vernacular documents/ Exhibits.

2. A counter affidavit has been filed on behalf of the local authority, specifically contending that the Street Vendors Act and the Rules made thereunder do not apply to the respondent-Grama Panchayat. Section 2(c) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act defines a 'Local Authority', and it is the contention that the Act itself would not apply in the area in question. It is also stated that the writ petitioner has been occupying National Highway 766 from Kozhikode to Kollagal, in the busiest stretch of Thamarassery



Bazaar, causing terrible traffic congestion, leading to frequent complaints from the public.

3. Accordingly, through Exts.R3(a) and R3(b), the Grama Panchayat decided to remove the illegal occupation. Thereafter, an additional counter was filed alleging that the petitioner is a native of Kannur District and had migrated to Kattippara Grama Panchayat a few years ago. It is stated that he had erected an illegal temporary structure encroaching on National Highway 766, thereby obstructing motor traffic and the pedestrians using the footpath. Exhibit R3(d) photographs are also produced, along with the counter affidavit.

4. A statement has been filed on behalf of the Government contending that the Grama Panchayat would not fall within the definition of the 'Local Authority' for the purpose of the Act or the Rules, and also relies on the judgment of this Court in **Sajjad and Others v. State of Kerala and Others [2018 KHC 804]**.

5. It is not in dispute that the area in question is a Grama Panchayat. The allegation of the Panchayat is that the petitioner



has encroached on the National Highway.

6. Learned counsel for the petitioner would argue that the definition of 'Local Authority' under the Act includes such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending, and includes the “planning authority” which regulates the land use in that city or town. He also relies on the definitions in Article 243P and 243Q of the Constitution of India.

7. Since there is no dispute that the area in question is a Grama Panchayat, as held by this Court in **Sajjad** (supra) it does not fulfil the definition of a 'Local Authority' within the meaning of Section 2(1)(c) of the Street Vendors Act, inasmuch as it is not a local authority functioning in an urban area. The petitioner has to fall within the ambit of the Act to get any protection under the Act.

8. Under such circumstances, the Act has no application and therefore, the prayers sought for in the Writ petition cannot be granted.



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9. However, if the petitioner makes an application for conducting trading in a mobile cart without obstructing the traffic or pedestrians, the same shall be considered by the Panchayat in accordance with law and an appropriate decision taken.

The Writ petition is disposed of as above.

Sd/-
MOHAMMED NIAS C.P.
JUDGE

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APPENDIX OF WP(C) 37856/2024

PETITIONER'S EXHIBITS

Exhibit P1	COPY OF THE APPLICATION DTD 12.04.2024 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT WITH ENGLISH TRANSLATION
Exhibit P2	COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED BY THE 2ND RESPONDENT TO EXHIBIT P1 APPLICATION
Exhibit P3	COPY OF THE INFORMATION RECEIVED BY THE PETITIONER FROM THE 2ND RESPONDENT DTD 30.4.2024 WITH ENGLISH TRANSLATION
Exhibit P4	COPY OF THE G.O.(P) NO. 15/2018/LSGD DTD 12.03.2018
Exhibit P5	COPY OF THE G.O.(P) NO. 10/2019/LSGD DTD 13.02.2019
Exhibit P6	TRUE COPY OF THE NOTIFICATION G.O. (MS.)NO.64/2011/LSGD DATED 26.02.2011
Exhibit P7	TRUE COPY OF THE RECEIPT DATED 21.08.2024 FOR THE PROPERTY TAX REMITTED FOR PETITIONER'S PROPERTY, BEFORE THE VILLAGE
Exhibit P8	TRUE COPY OF THE BUILDING TAX RECEIPT DATED 13.09.2024 REMITTED BEFORE THE KATTIPARA GRAMA PANCHAYATH
Exhibit P9	TRUE COPY OF THE MEMBERSHIP CARD NUMBER 45414 DATED 16.02.1998 ISSUED TO THE PETITIONER BY THE KERALA CONSTRUCTION WORKERS WELFARE BOARD
Exhibit P10	TRUE COPY OF THE PASS BOOK NUMBER 100121201020003 ISSUED BY THE KOZHIKODE DISTRICT CO-OPERATIVE BANK TO THE UNDUVANDI PETTIKADA THOZHILALI UNION



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Exhibit P11 TRUE COPY OF THE OF PHOTOGRAPHS
EXHIBITS PETITIONER'S BUSINESS

Exhibit P12 TRUE COPY OF THE ANOTHER PHOTOGRAPH OF
PETITIONER'S PLACE OF BUSINESS
PHOTOGRAPHED FROM A DIFFERENT DIRECTION

RESPONDENTS' EXHIBITS

Exhibit R3(a) COPY OF THE RESOLUTION NO. 9/9(1) DATED
24.9.2022 OF THAMARASSERY GRAMA
PANCHAYATH

Exhibit R3(b) COPY OF THE RESOLUTION NO. 18/18(1)
DATED 7.2.2023 OF THAMARASSERY GRAMA
PANCHAYATH

Exhibit R3(c) COPY OF THE MINUTES OF THE GRAMA
PANCHAYATH TRAFFIC ADVISORY COMMITTEE
MEETING DATED 7.3.2023

Exhibit R3(d) COPY OF PHOTOGRAPHS OF THE ROAD IN
FRONT OF MINI CIVIL STATION WHERE THE
WRIT PETITIONER HAD ERECTED ILLEGAL
STALL TO CONDUCT TRADE