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W.P.No.2533 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.01.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2533 of 2026

R.Suvitha

...Petitioner

-Vs-

1. The District Collector,
Collectorate Salem,
Salem District 636 001.
2. The Assistant Divisional Engineer National Highways,
Chennai to Kanyakumari Industrial Corridor Project,
3-3-27, Bharathi Nagar, Akkammampet,
Sankari Taluk, Salem 637 301.
3. The Executive Engineer National Highways,
Chennai to Kanyakumari Industrial Corridor Project,
3-3-27, Bharathi Nagar, Akkammampet,
Sankari Taluk, Salem 637 301.
4. The Assistant Engineer National Highways,
Chennai to Kanyakumari Industrial Corridor Project,
3-3-27, Bharathi Nagar, Akkammampet,
Sankari Taluk, Salem 637 301.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents do not disturb the petitioner to do flower vending in person with basket near the Arulmigu Orukamalai Varadharaja Perumal temple situated in Manjakkalpatti Village, near Konganapuram to Sankari, Sankari Taluk, Salem District based on the petitioner's representation dated 29.12.2025 within the time frame fixed by this Court.

For Petitioner	: Mr.A.Saravanan
For Respondents 1 to 4	: Mr.Yogesh Kannadasan
	Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents not to disturb the petitioner from carrying on flower vending in person with a basket near the Arulmigu Orukamalai Varadharaja Perumal Temple, situated at Manjakkalpatti Village, near Konganapuram to Sankari, Sankari Taluk, Salem District, based on the petitioner's representation dated 29.12.2025 within a time frame to be fixed by this Court.



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2. It is the case of the petitioner that she is a resident of the above mentioned address and has been doing flower vending near the Arulmigu Orukamalai Vardharaja Perumal Temple, Konganapuram to Sankari Highway in S.F.No.180 of Manjakkalpatti Village, Sankari Taluk, Salem District, which is under the control of H.R. & C.E Department and the said temple is abutting the National Highway Road. The petitioner has been doing the said business for the past 30 years.

3. While so, one Myilsamy and Sakthivel, who are the patta holders of S.F.Nos.176/101, 176/IAIA and 173/201 of Manjakkalpatti Village, Sankari Taluk, Salem District had built a structure for flower vending in their patta land, wherein the petitioner had taken a portion on rent and was doing her flower vending business. The said Myilsamy and Sakthivel demanded an exorbitant rent of Rs.2,000/- per day, due to which misunderstandings arose between the petitioner and the landlords. Subsequently, they asked the petitioner to vacate the premises immediately without any prior notice. Therefore, the petitioner's husband filed a suit in O.S.No.20 of 2017 before the District Munsif Court, Sankari seeking to restrain the landlords from evicting them from



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the suit premises. While the suit was pending, the said persons, using their local political influence had threatened the petitioner and her husband to withdraw the suit and vacate the premises as a result of which the petitioner vacated the premises.

4. Thereafter, the petitioner started vending flowers using wicker basket near the temple premises. However, with an ill motive, the said Myilsamy and Sakthivel filed W.P.No.32464 of 2025, seeking removal of encroachments on the National Highway Road. This Court, by order dated 02.09.2025, disposed of the said writ petition, recording the submissions of the respondents that they will conduct a survey and remove the encroachment, if any, after issuing notice to the concerned parties. Taking advantage of the same, the said persons are now preventing the petitioner from selling flowers from the basket near the temple premises and have been continuously troubling her. Therefore, the petitioner submitted a representation dated 29.12.2025 to the respondents, requesting them not to disturb her from carrying on flower vending in person near the said temple. Though the said representation has been received by the respondents, no action has been taken to date. Hence, the petitioner is before this Court.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. The contention of the petitioner is that she is a small time flower vendor who does her business on the roadside near the Arulmigu Orukamalai Varadharaja Perumal Temple. The petitioner would submit that earlier she was doing business in a shop and due to the problems created by her landlords, she had been thrown out of the premises and is presently eking out her livelihood by doing business on the National Highway. It appears that the landlords, out of spite, have filed W.P.No.32464 of 2025 seeking removal of the encroachments on the National Highway and by order dated 02.09.2025, the said writ petition was disposed of on the submission of the State Counsel that the survey of the land would be done after putting all interested parties on notice and thereafter, action for removal of any encroachment, if found, would be commenced. This order has been passed without notice to the petitioner, though she has been arrayed as the 4th respondent in the above writ petition. The photographs attached would show that the petitioner is doing her business at the edge of the road and that there is no



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permanent structure put up there and she is doing her business by selling flowers in baskets. She can easily relocate in case of any congestion within seconds. The communication sent by the 4th respondent to the Government Advocate would read as follows:-

“மேலும் இச்சாலை விரிவாகப் பணியானது ஆசிய வளர்ச்சி வங்கி (ADB) நிதியுதவியுடன் மேற்கொள்ளப்பட்டு வருகிறது. மேற்குறிப்பிட்ட இடத்தில் வாகனங்களை நிறுத்தி பூஜை பொருட்களை வைத்து ஆட்களைக் கொண்டு வியாபாரம் செய்ய முயற்சி செய்து வருகிறார்கள். இது நெடுஞ்சாலைத்துறை விதிகளுக்கும். ஒப்பந்த விதிகளுக்கு எதிராகவும் போக்குவரத்துக்கு இடையூராகவும் இருப்பதனால் அதனை தடுக்க நெடுஞ்சாலை துறை அதிகாரிகள் மற்றும் ஒப்பந்ததாரர்கள் மூலம் நடவடிக்கை மேற்கொள்ளப்பட்டு வருகிறது.”

This statement by no stretch of imagination would point a finger on the petitioner since even according to the 4th respondent, the alleged bottleneck is created only on account of persons stopping at the temple to perform pooja and it is not the petitioner who is causing the alleged traffic congestion.



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7. In these circumstances, the writ petition is allowed as prayed for and the respondents shall not disturb the flower vending as now done by the petitioner. No costs.

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Index : Yes/No
Speaking Order : Yes / No
srn

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