



W.P.Nos.29327 of 2023 etc.

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 05.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.Nos.29327 and 32124 of 2023
and
W.P.No.11232 of 2024**

A.S.Sornambal	.. Petitioner in W.P.No.29327/23
1.R.Manivel	
2.Niyamathulla	
3.Sabena	.. Petitioners in W.P.No.32124/23
S.Niyamathulla	.. Petitioner in W.P.No.11232/24

Vs

1.The Salem City Municipal Corporation,
Rep. By Managing Director,
Salem.

2.The Commissioner,
Salem City Municipal Corporation,
Salem.

3.The Tahsildar,
Ammapettai Taluk,
Salem District.
(R3 - suo motu impleaded as per
order dt.08.01.2024 in W.P.No.29327/23)

.. Respondents 1 to 3 in W.P.Nos.29327 & 32124/23



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4.Salem Maavata Pushpa Jadanaiyalargal
Maalai Kadaikarargal Nalasangam,
V.O.C. Market, Salem.
Rep. By its Secretary Mr.S.R.Srinivasan

5.Salem Maanagar V.O.C. Market Kaikari
Kadaigal Viyabarigal Nalasangam,
V.O.C. Market, Salem.
Rep. By its President K.M.Arumugam

.. Respondents 4 & 5 in W.P.No.29327/23

1.The District Collector,
Salem District.

2.The Commissioner of Corporation,
Salem Corporation,
Salem.

3.The Assistant Commissioner of Corporation,
Salem Corporation,
Salem District.

.. Respondents 1 to 3 in W.P.No.11232/24

Prayer in W.P.No.29327 of 2023: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 29.09.2023 and consequently direct the respondents 1 and 2 not to construct any compound wall covering the entire Vaalmeegi street, Salem.

Prayer in W.P.No.32124 of 2023: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's



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representation dated 29.09.2023 and 30.09.2023 and consequently direct the respondents 1 and 2 not to construct any compound wall covering the entire Vaalmeegi street, Salem.

Prayer in W.P.No.11232 of 2024: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondents 2 and 3 to consider the petitioner's representation 06.03.2024 and subsequently, direct the respondents 2 and 3 to remove the Metal Sheet from the petitioner's property No.324, Bazaar Street, V.O.C.Market Street, Salem – 636001.

For Petitioners

in all WPs : Mr.D.Selvam

In W.P.Nos.29327 & 32124/23

For R1 & R2 : Mr.P.Muthukumar, AAG

Asst. by Ms.N.Devi, Standing Counsel

For R3 : Mr.C.Kathiravan, Spl. GP

For R4 & R5 : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

In W.P.No.11232/24

For R1 : Mr.C.Kathiravan, Spl.GP

For R2 & R3 : : Mr.P.Muthukumar, AAG

Asst. by Ms.N.Devi, Standing Counsel

COMMON ORDER



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W.P.Nos.29327 and 32124 of 2023 have been filed for a direction directing the respondents 1 and 2 to consider the petitioners' representation dated 29.09.2023 and 30.09.2023 seeking not to construct any compound wall covering the entire Valmigi Street, Salem.

2. W.P.No.11232 of 2024 has been filed for a direction directing the respondents 2 and 3 to consider the representation dated 06.03.2024 of the petitioner seeking to remove the metal sheet from the petitioner's property situated at No.324, Bazaar Street, V.O.C. Market, Salem.

3. The petitioners are residents and also running a commercial shop in and around Vaalmigi Street, Salem. In the year 2015, Smart City Mission was launched to promote cities by providing clean and sustainable environment in order to give quality life to all citizens. To execute the same, the respondents 1 and 2/Salem Corporation had constructed commercial tower as a renovation of VOC market. The said commercial tower was constructed without compound wall. In order to construct the said compound wall, the second respondent issued a notice dated 29.09.2023 to all residents and commercial shop owners residing in and around VOC market complex, calling upon them to submit



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objections, if any, with regard to construction of compound wall in and around the said VOC market complex.

4. The learned counsel for the petitioners submit that the said Vaalmigi Street, Salem, is about 25 feet width, which is a main street for the petitioners as well as 300 other residents, and the said street is used for ingress and egress for the past several years. Therefore, constructing compound wall covering entire street will obstruct the entire access to the petitioners as well as other residents. He has also produced the plan showing entire VOC market complex as well as proposed compound wall in Vaalmigi street.

5. Mr.P.Muthukumar, learned Additional Advocate General appearing for Salem Corporation, submitted that notice dated 29.09.2023 was issued only for calling upon the residents to submit their objections. Now, the petitioners have submitted their objections and the same are under consideration by the respondents 1 and 2/Salem Corporation.

6. In view of the above, the respondents 1 and 2/Salem Corporation is directed to consider the objections submitted by the petitioners as well as other residents/shop owners, including the objections of the



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respondents 4 and 5 in W.P.No.29327 of 2023, and pass appropriate orders for construction of compound wall in and around VOC market complex, after affording an opportunity of personal hearing to all the aggrieved parties, within a period of four weeks from the date of receipt of a copy of this order.

7. Insofar as W.P.No.11232 of 2024 is concerned, the learned Additional Advocate General submitted that the petitioner is having access to his residence and shop through Chinnakadai Street. That apart, metal sheet is fixed in the Bazaar Street, VOC market street, Salem, only to prevent encroachers. However, since the representation dated 06.03.2024 submitted by the petitioner is still pending consideration, the respondents 2 and 3 are directed to consider the said representation of the petitioner and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.



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Index: yes/no

Neutral citation: yes/no

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To

- 1.The Managing Director,
The Salem City Municipal Corporation,
Salem.
- 2.The Commissioner,
Salem City Municipal Corporation,
Salem.
- 3.The Tahsildar,
Ammapettai Taluk,
Salem District.
- 4.The District Collector,
Salem District.
- 5.The Assistant Commissioner of Corporation,
Salem Corporation,
Salem District.

G.K.ILANTHIRAIYAN, J.

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