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W.P.No.23687 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE T. VINOD KUMAR

W.P.No.23687 of 2024

1. V. Kalaivani

2. K. Venkatesan

3. K. Madhesan

4. P. Sakthivel

Petitioners

vs.

1. The Salem City Municipal Corporation
represented by Managing Director
Salem Corporation Main Office
Fort Main Road, Salem

2. The Commissioner
Salem City Municipal Corporation
Sankari Main Road
Linemedu
Gugai
Salem 636 006

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 19.07.2024 and consequently, direct the respondents to remove the obstructions and encroachments made by encroachers in Vaalmeegi Street, Salem 636 001.



WEB COPY



W.P.No.23687 of 2024

For petitioner Mr. D. Selvam

For respondents Mr. T.K. Saravanan
for Ms. N. Devi
Standing Counsel

ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a Removal of Encroachment (RoE) prayer *qua* alleged obstructions and alleged encroachments in Vaalmeegi Street situate in Ward No.32, Ammapet, within Salem Corporation.

2. Mr. D. Selvam, learned counsel on record for writ petitioners who is before us, submits that the writ petitioners reside in Vaalmeegi Street, they are affected by alleged obstructions and alleged encroachments. Learned counsel also submits that the RoE prayer is predicated on a representation dated 19.07.2024 sent to R2 (Commissioner). Inaction necessitated the captioned WP is learned counsel's further say.

3. Be that as it may, Mr. T.K. Saravanan, learned Additional Government Pleader representing Ms. N. Devi, learned Standing

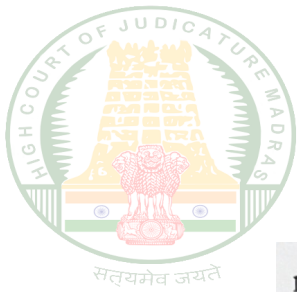


W.P.No.23687 of 2024

Counsel for respondents, has now placed before us what is styled as status report of R2 (report dated 22.11.2024). Paragraphs 5 to 7 of this status report are of relevance and a scanned reproduction of the same is as follows:

5. The Junior Engineer of Corporation has visited the VOC Market premise at Valmigi Street and the said market has also got an approach through the Chinnakadai Street. The residents living in the said Chinnakadai Street have also put up temporary sheds and let the shops for rental and thereby have encroached the street. Due to the said act of the residents at Valmeegi Street and Chinnakadai Street the vehicles coming into the VOC Daily Market for loading and unloading the flowers and the general public are facing a difficulty in free ingress and egress to the said market. Unless the proposed compound wall is put up by the corporation the free movement to the market will always be a problem. Therefore Compound wall is necessary for the said VOC Daily Market on the Valmeegi Street. All other three sides of the Market is already covered with compound walls.

6. The Respondent has already leased out the Daily Market to a successful Lessee for collection of toll in the daily markets. The said daily market requires a compound wall on the Valmiki Street. In order to curtail the encroachers the VOC daily market requires a compound wall. The Respondent Corporation every now and then keeps removing the street vendors who are encroaching and causing traffic congestion to the general public. The respondent has also given a



WEB COPY



W.P.No.23687 of 2024

notice to the Lessee to administer and manage the daily market without any encroachment and disturbance to the general public.

7. It is the Petitioners who are the residents of the street have put up temporary shops and causing encroachments. In this regard the Respondent has already warned that strict legal action will be taken against those who cause disturbance to the traffic and the daily movements of the residents of the street.

4. The aforereferred status report speaks for itself.

5. Learned State counsel submits that R2 would commence RoE proceedings under the Tamil Nadu Urban Local Bodies (Amendment) Act, 2022 (Tamil Nadu Act 35 of 2022) [hereinafter 'Amended TNULB Act' for the sake of brevity] and that such commencement is in the anvil.

6. It is also submitted that proceedings under the Amended TNULB Act will be commenced within eight weeks from today *i.e.*, on or before 26.09.2025. Commencement of proceedings under the Amended TNULB Act necessarily means alleged encroachers being put



W.P.No.23687 of 2024

on notice and being afforded an opportunity by issuance of 15 days show cause notice (SCN). In this regard, we make it clear that all the rights and contentions of the noticees will stand preserved for responding to the SCN without being impacted by instant order.

7. Be that as it may, we also make it clear that subject to the response of the noticees, further action under the Amended TNULB Act will be subject to 'the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014)', if the noticees have any right under this Act.

8. We deem it appropriate to give a closure to the captioned WP by recording the stated position of the learned State counsel. We do so.

9. Captioned WP stands disposed of as closed recording the stated position of learned State counsel. There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
01.08.2025

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M.SUNDAR, J.

and

T.VINOD KUMAR, J.

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To

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