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W.P.No.32095 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.32095 of 2022

and

W.M.P.No.31523 of 2022

Vegetable Vendors Market Association

(Reg.No.SRG/KGI/45-2020)

Rep. by its President A.Narayana

Bathalapalli Village

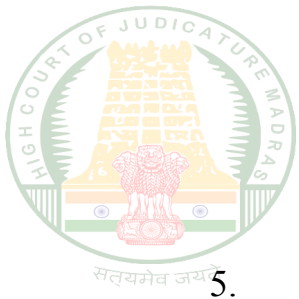
Perandapalli - 635 109

Hosur Taluk, Krishnagiri District.

... Petitioner

vs.

1. The District Collector
Krishnagiri
Krishnagiri District.
2. The Commissioner
Soolagiri Panchayat Union
Soolagiri
Krishnagiri District.
3. The Tahsildar
Hosur Taluk
Krishnagiri District.
4. T.Raja Reddy
S/o.Thimma Reddy



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5. The Superintendent of Police,
Krishnagiri District.

... Respondents

* R5 suomotu impleaded vide order dated 17.06.2025
in W.P.No.32095 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders made in Na.Ka.No.2654/2022/A2 dated 25.08.2022, 28.09.2022 and 21.10.2022 and also Na.Ka.No.340/2022/A2 dated 31.10.2022 issued by the 2nd respondent, quash the same and consequently, forbear the respondents 1 to 3 from interfering with the right of the members of the petitioner Association to run the private market in S.F.Nos.44/2B and 427/1A and to carry on loading and unloading of tomatoes in S.F.Nos.82, 174/1A and 175/3 to 175/6 of Moranapalli Revenue Village, Bathalapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner	:	Mr.N.Manokaran
For Respondents	:	Mr.T.K.Saravanan Additional Government Pleader, for R1 & R3 Mr.L.S.M.Hasan Fizal Additional Government Pleader, for R2 Ms.R.Divya Preathika representing Mr.R.Bharath Kumar, for R4 Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.S.Santhosh Government Advocate (Crl. Side), for R5

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ORDER

[Order of the Court was made by **M.SUNDAR J.**]

Epicentre of the captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} is constituted by four notices issued by R2, the details of which are as follows:

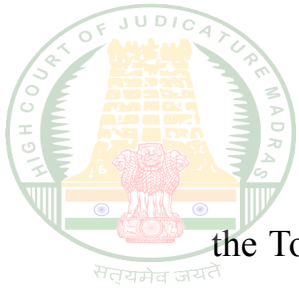
<i>S.No.</i>	<i>Date</i>	<i>Content</i>	<i>Remarks</i>
1.	25.08.2022	alleging construction without licence qua a Market and calling upon the writ petitioner to give explanation within three days	purportedly under Sections 147, 148 and 153 of 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' {hereinafter 'said Act' for the sake of brevity, convenience and clarity} pertaining to the Tomato Market (S.Nos.82, 174/1A, 175/3, 4, 5 and 6, all in Moranapalli Village, Perandapalli Panchayat, Hosur Taluk. Krishanagiri District)
2.	28.09.2022	final notice in pursuance of earlier notice	purportedly under Sections 147, 148 and 153 of said Act pertaining to the Tomato Market (S.Nos.82, 174/1A, 175/3, 4, 5 and 6, all in Moranapalli Village, Perandapalli Panchayat, Hosur Taluk. Krishanagiri District)



S.No.	Date	Content	Remarks
3.	21.10.2022	further notice pursuant to S.Nos.1 and 2 supra, calling upon complete cessation of construction	purportedly under Sections 147, 148 and 153 of said Act pertaining to the Tomato Market (S.Nos.82, 174/1A, 175/3, 4, 5 and 6, all in Moranapalli Village, Perandapalli Panchayat, Hosur Taluk. Krishanagiri District)
4.	31.10.2022	notice pointing out five difficulties as regards the Vegetable Market	purportedly under Sections 147, 148, 153 and 159 of said Act pertaining to Vegetable Market (S.Nos.44/2B and 427/1A in Moranapalli Village, Perandapalli Panchayat, Hosur Taluk. Krishanagiri District)

2. Aforementioned four notices shall be collectively referred to as 'impugned notices'. 'Serial Numbers 1, 2, 3 and 4' shall be referred to as 'I impugned notice', 'II impugned notice', 'III impugned notice' and 'IV impugned notice' respectively for the sake of convenience wherever it becomes necessary.

3. Adverting to the aforementioned impugned notices, Mr.N.Manokaran, learned counsel on record for writ petitioner submits that

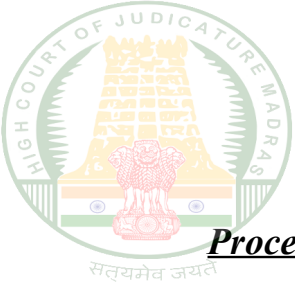


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the Tomato Market as well as the Vegetable Market have been in operation for over two decades and it has been catering to the needs of local citizens / populace as well as providing a platform for local farmers to sell their produce. It is also submitted that a complaint dated 25.08.2022 from R4 is the trigger for impugned notices.

4. In the hearing today, Mr.N.Manokaran, learned counsel on record for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 & R3, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for R2 and Ms.R.Divya Preathika, learned counsel representing Mr.R.Bharath Kumar, counsel on record for R4 are before us and with the consent of all learned counsel, main WP is taken up.

5. After detailed hearing, we find that there have been multiple listings and hearings earlier where predecessor Hon'ble Bench has made proceedings, two such proceedings are of significance, one dated 25.06.2024 and another dated 30.07.2024 which read as follows:



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Proceedings dated 25.06.2024:-

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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

27/6/24

(Order of the Court was made by S.S.SUNDAR, J.)

The learned Special Government Pleader has produced before this Court the letter received by him from the Block Development Officer, Shoolagiri dated 07.06.2024. The Block Development Officer in his communication has referred to the permission/approval granted to the petitioner and stated that the local body has no objection for the petitioner to operate, subject to certain conditions. Following are the conditions referred to in the communication:-

“1. மேற்படி நிறுவனத்திற்கு வரப்பெறும் கனரக வாகனங்கள் சாலையில் வெகு நேரம் நிறுத்தக்கூடாது எனவும் சாலைப்போக்குவரத்து விதி பாதிக்கப்படாதவாறு கவனித்து வர வேண்டும்.

2. வீணாக்கப்பட்ட அழுகிய காய்கறிகள் சாலையில் கொட்டாதவாறு ஒரே நேரத்தில் அப்புறப்படுத்த வேண்டும்.

3. மேற்படி வீணாக்கப்பட்ட அழுகிய காய்கறிகள் கொட்டும் இடத்தில், துர்நாற்றம், தொற்றுநோய் ஏற்படாதவாறு தூய்மையாக பராமரித்து வர வேண்டும்.”

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2. The learned counsel appearing for the fourth respondent submitted before this Court that the official respondents may be directed to file a status report as to whether the conditions are adhered to by the petitioner Association.

3. The District Collector, Krishnagiri is directed to ensure a status report being filed by the Tahsildar, as to whether the conditions have been adhered to by the petitioner Association after making an inspection. The status report should be filed with photographs taken on spot.

4. Post after three weeks.


(S.S.S.R.,J.) 
(N.S.,J.)
25.06.2024

SS



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WEB COPY Proceedings dated 30.07.2024:-

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S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

[Order of the Court was made by S.S. SUNDAR, J.]

Even though Show Cause Notice alone is challenged in the writ petition, this Court earlier wanted the 3rd respondent to file a Status Report. From the Status Report, traffic congestion alone is highlighted as a main reason for taking action against the petitioner for closing the market. From the photographs and the narratives by the learned counsel for the petitioner, this Court is of the view that there is no serious difficulty in handling the vehicular traffic. The market serves the interest of public. More than thousand persons are employed in business activities inside the market. The parking of vehicles owned by shop owners and people visiting the market has to be regulated.

2. The petitioner states that they have filed their objections to the Status Report. Post the matter after two weeks.



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and
N. SENTHILKUMAR, J.

mkn

3. Meanwhile, the respondents are directed to maintain status *quo*. However, it is the responsibility of the petitioner to regulate the traffic with the assistance of the local Police. The petitioner shall ensure improved sanitary conditions by providing sufficient toilets. It is made clear that the petitioner shall ensure proper cleaning and maintenance of toilets which are constructed inside. No vegetables or waste shall be dumped in the pathway or road within or outside the market area.


(S.S.S.R., J.)
30.07.2024


(N.S., J.)

mkn

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(Post after two weeks)



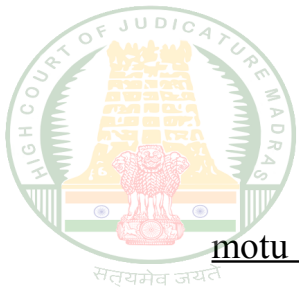
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6. To be noted, between the aforesaid two proceedings, a status report dated 29.07.2024 has been filed by R3 along with photographs and the same has been taken on file.

7. Aforementioned proceedings made by Honble predecessor Division Bench shall now be read as an integral part and parcel of this order.

8. Original licences granted to the writ petitioner qua Tomato Market as well as Vegetable Market do not contain an adumbration of conditions. In fact, it does not set out any condition. Therefore, with the consent of parties before us, the three conditions set out in the proceedings dated 25.06.2024 (extracted and reproduced supra) shall now become conditions of licences qua Tomato and Vegetable Markets.

9. A careful perusal of status report of R3 brings to light that as regards the aforementioned three conditions, there is no violation and there is some concern only with regard to traffic congestion. Therefore, we suo-



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motu implead the Superintendent of Police, Krishnagiri District as R5 and

Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Santhosh, learned Government Advocate (Crl. Side) accepts notice for R5. It is for R5 to take suitable steps by issuing requisite instructions down the hierarchy to ensure that traffic is regulated in such a manner that the Market functions smoothly on one hand and the public are not greatly inconvenienced on the other hand.

10. Though certain submissions were made with regard to R4 having an axe to grind qua complaint dated 25.08.2022 and the same being disputed by R4, we refrain from delving into these disputations or contestations as we are giving a closure to the main matter.

11. This Court finds it appropriate to write that it is noticed that the Village Panchayat or the Panchayat Union Council (as the case may be) has powers to suspend or cancel any licence for breach of conditions thereof. This is vide Section 148(2)(c) of said Act. It is also seen that both the Village Panchayat and the Panchayat Union Council are the term of art



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having been defined vide sub-sections (23) and (37) of Section 2 of said Act

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which read as follows:

'2. Definitions - In this Act, unless the context otherwise requires, -

- (1)
- (1-A)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11)
- (12)
- (13)
- (14)
- (15)
- (16)
- (17)
- (18)
- (19)
- (20)
- (21)
- (22)

(23) "Panchayat Union" means any local area which is declared to be a Panchayat Union under this Act;

- (24)
- (25)
- (26)
- (27)
- (28)
- (29)
- (30)



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(31)

(32)

(33)

(34)

(35)

(36)

(37) *"Village Panchayat" means a Panchayat constituted as a Village Panchayat under sub-section (1) of Section 6;*

12. In the case on hand, we are informed that we are concerned with the Village Panchayat and therefore, we deem it appropriate to extract and reproduce Section 6(1) of said Act and the same reads as follows:

'6. Constitution of Village Panchayats and their incorporation -

(1) A Village Panchayat shall be constituted for each Panchayat Village consisting of such number of elected members, with effect from such date as may be specified in the notification issued in that behalf by the Inspector.'

13. If there is any breach of aforementioned conditions, it will be open to the Village Panchayat to proceed in accordance with law. We also record the stated position of all the parties that the licences now in vogue i.e., licences in favour of writ petitioner qua Tomato Market and Vegetable Market will be in vogue and will be alive till 31.03.2026. This order will neither impede nor serve as an impetus qua renewal of licences which will



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be done in accordance with law. To put it differently, renewal of licences will be untrammelled by this order.

14. Ergo, as a sequitur to the narrative, discussion and dispositive reasoning thus far, we write that four impugned notices will stand effaced albeit with liberty to the Village Panchayat to act in accordance with law if there is any violation of conditions of licences about which there is allusion supra. The Writ Petition is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition is disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

17.06.2025

Index : Yes

Neutral Citation : Yes

Speaking

mk



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1. The District Collector
Krishnagiri
Krishnagiri District.
2. The Commissioner
Soolagiri Panchayat Union
Soolagiri
Krishnagiri District.
3. The Tahsildar
Hosur Taluk
Krishnagiri District



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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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