# Madras High Court orders removal of footpath encroachments statewide

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## News

The Madras High Court on 13 November 2026 ordered that encroachments on footpaths across Tamil Nadu be removed immediately, following due legal procedure, and that walkable footpaths be created for pedestrians. A Bench of Justices S.M. Subramaniam and R. Rajesh Vivekananthan passed the order in a public interest litigation filed by Saju Alex seeking removal of encroachments, illegal parking and unauthorised vehicle-repair work on a road in Ellaiamman Colony, Teynampet, Chennai. The petitioner's counsel, V.B.R. Menon, sought statewide directions as encroachments were increasing road accidents. Saying officials had not acted meaningfully even after an earlier interim order, the Bench observed that the executive must honour citizens' fundamental rights, which constitutional courts have reiterated for decades, and that the time had come to act against the officials responsible. The Chief Secretary, the Home Secretary, the Director General of Police, the Greater Chennai Corporation Commissioner and the Principal Secretary (Municipal Administration) must file an action-taken report by 10 December.

## Key facts for the exam

| Point | Details |
|---|---|
| **Court / date** | Madras High Court – 13 Nov 2026 |
| **Bench** | Justices S.M. Subramaniam, R. Rajesh Vivekananthan |

| Point | Details |
|---|---|
| **Case** | PIL filed by Saju Alex |
| **Direction** | Remove footpath encroachments statewide at once, as per law |
| **Responsible** | Chief Secretary, Home, DGP, GCC, Municipal Admin |
| **Report** | By 10 December |
| **Bench's view** | Encroachment-free footpaths – a fundamental right |
| **Madras HC** | 26 June 1862 – Indian High Courts Act, 1861; Madurai Bench 2004 |

## Background

- Constitution: Article 19(1)(d) – the right to move freely throughout the territory of India; Article 21 – the right to life and personal liberty. In Olga Tellis v. Bombay Municipal Corporation (1985), on Bombay's pavement dwellers, the Supreme Court held the right to livelihood to be part of Article 21, while also stating that pavements are meant for the public to walk on and no one has a right to encroach on them.
- Street Vendors Act, 2014: under this Act on protecting livelihood and regulating street vending, the Town Vending Committee surveys vendors and issues certificates of vending, while the local authority demarcates vending and no-vending zones. These procedures matter for lawful removals.
- Judiciary: Public Interest Litigation (PIL) was developed in the late 1970s and 1980s by Justices P.N. Bhagwati and V.R. Krishna Iyer, relaxing the rule of 'locus standi' that only an aggrieved person may sue. High Courts hear such cases under Article 226 and the Supreme Court under Article 32.
- History: the Madras High Court was set up by Letters Patent issued on 26 June 1862 under the Indian High Courts Act, 1861, passed by the British Parliament; with Calcutta and Bombay it is one of the three 'chartered' High Courts. Its building is Indo-Saracenic; the Madurai Bench began on 24 July 2004. It has jurisdiction over Tamil Nadu and Puducherry.

**Tamil Nadu link:** The order applies to the whole of Tamil Nadu; the Greater Chennai Corporation Commissioner, the Municipal Administration Department and the police have been made responsible. In a separate case in January 2026, the High Court had warned that officials would face action if shops evicted from NSC Bose Road, Chennai, reappeared. The Madras High Court, one of the country's oldest, has functioned since 1862.

## Frequently asked questions

### What is this news about?

The Madras High Court on 13 November 2026 ordered that encroachments on footpaths across Tamil Nadu be removed immediately, following due legal procedure, and that walkable footpaths be created for pedestrians.

### What are the key facts to remember for the exam?

Court / date: Madras High Court – 13 Nov 2026; Bench: Justices S.M. Subramaniam, R. Rajesh Vivekananthan; Case: PIL filed by Saju Alex; Direction: Remove footpath encroachments statewide at once, as per law.

### What is the background to this news?

Constitution: Article 19(1)(d) – the right to move freely throughout the territory of India; Article 21 – the right to life and personal liberty.

## Practice questions (with answers)

**1. In which 1985 case on Bombay's pavement dwellers did the Supreme Court hold the right to livelihood part of Article 21?**

**A)** Maneka Gandhi case

**B) Olga Tellis case**

**C)** Kesavananda Bharati case

**D)** Golaknath case

**Answer: B** – Explanation: Olga Tellis v. Bombay Municipal Corporation (1985). It also said pavements are for the public to walk on, with no right to encroach.

**2. Under the Street Vendors Act, 2014, which body surveys street vendors and issues certificates of vending?**

**A)** District Collector

**B)** State Police

**C) Town Vending Committee**

**D)** Gram Sabha

**Answer: C** – Explanation: The Town Vending Committee (TVC), which includes vendors' representatives. The local authority demarcates vending and no-vending zones.

**3. Which judges relaxed the rule of locus standi and pioneered Public Interest Litigation (PIL) in India?**

**A)** Chandrachud, Khanna

**B)** A.N. Ray, M.H. Beg

**C) Bhagwati, Krishna Iyer**

**D)** J.S. Verma, Subba Rao

**Answer: C** – Explanation: P.N. Bhagwati and V.R. Krishna Iyer – late 1970s and 1980s. 'Epistolary jurisdiction', treating letters as petitions, was part of it.

**4. The Madras High Court, set up in 1862, was created by Letters Patent issued under which Act?**

**A) High Courts Act, 1861**

**B)** Regulating Act, 1773

**C)** Charter Act, 1833

**D)** GoI Act, 1858

**Answer: A** – Explanation: The Indian High Courts Act, 1861 – the three chartered High Courts of Calcutta, Bombay and Madras. The 1773 Act set up the Calcutta Supreme Court.

**5. Which Article guarantees citizens the right to move freely throughout the territory of India?**

**A)** Article 19(1)(a)

**B) Article 19(1)(d)**

**C)** Article 19(1)(e)

**D)** Article 19(1)(g)

**Answer: B** – Explanation: 19(1)(d) – movement. 19(1)(a) – speech and expression; 19(1)(e) – residing and settling anywhere; 19(1)(g) – profession and trade.

**Sources:** ETV Bharat Tamil; Dinakaran; DT Next (13–14 Nov 2026; NSC Bose Road); Madras High Court order, WP No. 7504 of 2026 (05.10.2026); Supreme Court (Olga Tellis, 1985); Street Vendors Act, 2014 (India Code); Madras High Court official website (history). © Shanmugam IAS Academy.