



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 10682 of 2026

M.Lakshmi

..Petitioner(s)

Vs

1. The Commissioner
Greater Chennai corporation
Rippon building
Park Town
Chennai-600 003
2. The Regional Deputy Commissioner (Central)
D.No.36B, 2nd cross street, Pulla Avenue
Zone VIII, Shenoy Nagar
Greater Chennai Corporation
Chennai-600 030
3. The Executive Engineer
Zone VI, Thiruvika Office
Greater chennai corporation
Ayanavaram
Chennai-600023
4. The Assistant Executive Engineer
zone VI, Thiruvika office
Greater chennai corporation
Ayanavaram
Chennai-600 023
5. Narendra Kumar
No.9/73,MTH Road
Villivakkam
Chennai-600 049

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India
issuing writ of certiorarified mandamus to quash the impugned order passed



by the 4th respondent No.Zone-VIII/Enc/Dn95/01/2026 dated 19.1.2026 and in the alternative, direct the respondents to provide rehabilitation alternative accommodation or just compensation before any eviction.

For Petitioner(s): Mr.G.Veerapathirtan For Mr.S.Prathibaa

For Respondent(s): Ms.Aswini Devi
Standing Counsel For GCC For R1 To R4

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the notice issued under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 (hereinafter referred to as 'Act').

2. Notice reveals that Corporation Authorities identified encroachments and enforcement actions have been commenced. It is brought to the notice of this Court that 16 houses and 9 shops are constructed in the Corporation property, and enforcement actions are initiated under the provisions of the Act.

3. Learned counsel appearing for the writ petitioner would mainly contend that no personal hearing opportunity was afforded to the petitioner and secondly, final order is yet to be passed. Even before passing final orders, corporation authorities are continuing enforcement action for removal of encroachments. Thus, the petitioner is constrained to file the present writ proceeding.



4. Learned Standing Counsel for the Chennai Corporation would oppose by stating that personal hearing had been provided twice by the Executive Engineer Zone-XIII, Shenoy Nagar, Chennai. In this regard, personal enquiry notice was given through notice dated 14.02.2026 and 20.02.2026. Petitioner has already submitted his explanations, but not appeared for personal hearing. Thus, the authorities proceeded with the matter, considered the explanations and passed final order of eviction vide proceedings dated 12.03.2026. Since petitioner has raised a ground that final order has not been communicated, respondent made a submission that said order will be communicated without causing any further delay to the petitioners.

5. Regarding procedures to be followed, Section 128 of the Act provides **“Power to remove encroachment from the public place”**. Subsection 1(b) contemplates that,

(b) remove any immovable structure whether permanent or of temporary nature encroaching the street or public place or the land belonging to the departments of the Central or State Government within the municipal limit, after issuing a show cause notice for such removal, returnable within a period of seven days from the date of receipt, thereof :

6. As contemplated under the above provision, seven days notice was already given. Petitioner admittedly submitted his explanations. Two personal



hearings are offered to the petitioners, which was held on 16.02.2026 at 3.00 PM and 23.02.2026 at 3.00 PM in the office of the respondent. Final order passed by the respondent on 12.03.2026 alone is to be communicated to the petitioner for continuing enforcement actions to evict the encroachers already initiated.

7. Final order dated 12.03.2026 in Z.O.VIII.C.No.136/2026 would show that representation submitted by the petitioner in response to the show cause notice was duly considered and disposed of. The copy of the said order has been handed over by the learned Standing Counsel for the Chennai Corporation to the learned counsel for the petitioner in the Court today.

8. In view of the fact that since procedures as contemplated under Section 128 of the Act has been followed by the respondent, no further adjudication needs to be undertaken in respect of the grounds raised in the present writ petition.

9. Learned counsel for the petitioner would submit that the petitioner produced patta in respect of the subject land. If the petitioner claims any civil right, including tile/ownership, it is to be established in the manner known to law. Power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has to be taken by the competent authority in consonance with the relevant



statutes and Rules in force but not the decision itself. That being the scope of the writ petition, adjudication of civil rights or disputed facts are impermissible.

Therefore, petitioner, if claims any title, he has to workout his remedy in the manner known to law.

10. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
23-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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