



WEB COPY

WP No. 33657 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE E.MANOHARAN

WP No. 33657 of 2026

T.Sahira Banu

..Petitioner(s)

Vs

1. The District Collector,
Collectorate Building,
M.B.T. Road, Bharathi Nagar,
Ranipet District -632 403.
2. The Tahsildar,
Walaja Taluk,
Ranipet District -632 513.
3. The Commissioner (Municipality),
Melvisharam Municipality,
Melvisharam, Ranipet-632 509.

..Respondent(s)

To call for the records relating to order Na.Ka.No.1658/2026/F1 dated 07.08.2026 passed by the Respondent No.3 and to consequently direct the respondents to consider the petitioner's representation dated 14.08.2026 by conducting proper enquiry and survey.

For Petitioner(s):

Mr.Ravindran Venkatachalapathy

For Respondent(s):

Mr.K.Surendar,
Spl.Govt. Pleader.

**ORDER****(Order of the Court was made by Dr.G.Jayachandran J.)**

WEB COPY This Writ Petition is filed challenging the notice issued by the Commissioner, Melvisharam Municipality, directing the petitioner herein to remove the encroached structure in Survey No.221, which is classified as Government Poramboke.

2. The impugned notice indicates that pursuant to the orders of this Court in W.P.No.29761 of 2025, dated 08.08.2025, the authorities have conducted survey of the land and found that the petitioner herein has encroached upon Survey No.221 to an extent of 154 sq.mts., and constructed a building. In this connection, notice under Section 128 of Tamil Nadu Urban Local Bodies Act,1998, was issued to the petitioner on 19.11.2025 and 18.12.2025. In spite of notices, the petitioner has not removed the encroached portion. Hence, the present impugned notice has been issued for removal of the encroachment within seven days from the date of notice.

3. Learned counsel for the petitioner submits that the petitioner holds patta for Survey No.213 and the construction is only in the said patta land. For the earlier notice issued under Section 128 of the Act, a representation, dated 09.02.2026, was sent to the authorities, objecting to taking any action for removal of the building in Survey Nos.213/1 and 221, since a suit is pending in District Munsif Court, Arcot, in O.S.No.1 of 2026. It is contended by the learned counsel for the petitioner that despite the representation, dated



09.02.2026, the impugned notice is issued, without considering the said representation and the fact that the petitioner is a lawful holder of Survey No.213/2A 1A.

4. Learned Special Government Pleader submits that the impugned notice is only in respect of the encroachment in Survey No.221 to an extent of 154 sq.mts., and the said notice has been issued only after proper survey of the land and the same is reflected in the impugned notice. Learned Special Government Pleader further submits that enough opportunity was given to the petitioner for removal of the encroachment despite citing pendency of civil suit for bear injunction in respect of Survey Nos.213 and 221 and the petitioner is making attempts to stall the process of removing the encroachment, which has been initiated pursuant to the direction of this Court in W.P.No.29761 of 2025, dated 08.08.2025, and done following due process of law.

5. Perusal of the documents produced by the petitioner indicates that the petitioner holds patta only in respect of the land in Survey No.213/2A 1A and there is no document to show any semblance of title for Survey No.221, which is now sought to be removed through the impugned notice.

6. Therefore, we find no valid reason to interfere with the impugned notice issued by the Commissioner, Melvisharam Municipality, third respondent. We make it clear that any action for removal of encroachment based on the impugned notice must be confined to Survey No.221 alone and not beyond that.



7. With the above observation, this Writ Petition stands dismissed. No costs. Consequently, the connected W.M.P.Nos.37055 and 37058 of 2026 are closed.

(G.J.,J.) (E.M.,J.)
19-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DIXIT

To

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