

WP(MD)No.18605 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

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CORAM

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR JUSTICE R.SAKTHIVEL**

W.P.(MD)No.18605 of 2026
and WMP(MD) No.13767 of 2026

1. T.Mukesh S/o.Tamilvanan,
No.2787/1, Saraswathi Nagar,
S.N.Puram Road,
Thiruthangal, Sivakasi Taluk,
Virudhunagar District.

... Petitioner(s) in WP(MD). 18605/ 2026

- Vs. -

1. The Commissioner
Sivakasi City Municipal Corporation,
Sivakasi, Virudhunagar District.

2. Palani S
S/o.Subramanian,
No.161/1, Melapalayam South,
Vathirayiruppu,
Virudhunagar District.

... Respondent(s) in WP(MD). 18605/ 2026

Prayer in WP(MD). 18605/ 2026 :Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of CERTIORARIFIED MANDAMUS to call for the records on the file of the



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1st Respondent in connection with the impugned Eviction Notice issued by him vide his proceedings in Na. Ka. 08381/2025/A4 dated 16.06.2026 and quash the same as illegal, arbitrary and thereby direct him to allow the petitioners sunshade/shed erected before his shop in block II or direct the 1st respondent to erect sunshade before all shops of their block as done in other blocks/sides of Sivakasi bus stand and protect the passengers/general public from hot sunlight and heavy rain within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mrs..S.Devasena for R1
Mr.E.Mareeshkumar for R2

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

The writ petition had been filed in the nature of Certiorarified Mandamus seeking the records in connection with the notice issued by the first respondent Commissioner, Sivakasi City Municipal Corporation in Na.Ka.08381/2025/A4 dated 16.06.2026 and quash the same and direct the first respondent to permit the petitioner to continue with the sunshade/shed erected before his shop in Block II or direct the first respondent to erect a new shed before all shops of the Block.



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2. The petitioner claims that by putting up sunshade, he is protecting the general public from hot sunlight and heavy rain. In the affidavit filed in support of the writ petition, it had been contended that the petitioner herein is doing hotel business in the name of Hotel Thirumalai in Block No.II of Sivakasi Bus Stand as a lessee/tenant of the first respondent Municipal Corporation/Sivakasi City Municipal Corporation. He contended that since the bus stand lacks sufficient space for erecting shelters to accommodate passengers, the first respondent had put up sunshades/shelters before all shops and blocks of Sivakasi bus stand.

3. It had been contended that the first respondent had not put up similar sunshades or sheds in Block II. The petitioner had therefore taken up that arduous task upon himself and had put up a sunshade right across the entire length of his hotel, namely, Tirumala. Photographs have been enclosed and to have a better pictorial representation, it would only be appropriate that a few of the photographs are scanned and presented in the order:



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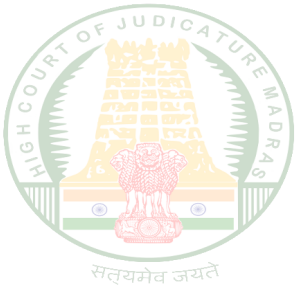






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4. A perusal of the aforementioned photographs which may be slightly blurred would make it evident that the petitioner had completely blocked the free usage of the platform in front of the shop. On the other hand, he has put that particular place to his effective business use by encouraging the customers to have their snacks and beverages in front of the hotel extending in a manner obstructing free flow of pedestrians across the pathway. It is also contended on behalf of the respondents that to put up this particular sunshade, the petitioner had put up permanent structures and had also put up doors and raised iron beams to protect the sheet which has been put on the top. This is totally an unauthorised construction. This Court can never encourage the putting up of such unauthorised construction.

5. The learned counsel for the petitioner claims that the petitioner had applied for permission for the same. The petitioner should have waited for the response to the said application. The learned counsel for the petitioner claims that he is protected under section 128 (1)(b) of the Tamil Nadu Urban and Local Bodies Act 1998.



6. Section 128(1)(b) reads as follows:

“128. Power to remove encroachment from public place.—(1) The Commissioner may,—

...

(b) remove any immovable structure whether permanent or of temporary nature encroaching the street or public place or the land belonging to or vested with the municipality] 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 : Provided that the Commissioner shall consider any representation received within the time limit, before passing final orders.”

7. The said provision stipulates a period of seven days to be given a show cause time period for removal of any unauthorized construction. In the impugned order, ten days time had been given to the petitioner to remove the unauthorised construction. The construction is not only unauthorised but also is illegal. The construction is of hindrance to the general public. It is of advantage only to the petitioner, who has put up additional stalls to sell his beverages, cool drinks and such other items and encourage customers to stand in the platform to have them. It is an



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extension of his hotel business. This cannot be permitted. We are not inclined to grant the relief sought for. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

(C.V.K.,J.) (R.S.V,J.)
06.07.2026

Index : Yes

Internet : Yes

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**C.V.KARTHIKEYAN, J
AND
R.SAKTHIVEL, J**

RR

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