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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

and

THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.P.(MD)No.23423 of 2026

and

W.M.P.(MD).Nos.17422 to 17424 and 17425 of 2026

K.Santhirasekar

: Petitioner

Vs.

The Executive Officer,
S.Kannanur Special Grade Town Panchayat,
S.Kannanur,
Samayapuram Post, Mannachanallur Taluk,
Tiruchirappalli District-621 112.

: Respondent

Prayer: This petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari and Mandamus, to call for the records pertaining to the impugned proceedings of the respondent in Na.Ka.No.198/2026/A1 dated 05.08.2026 quash the same and consequently to forbear the respondents from evicting the petitioner or demolishing or removing the petitioner's shop in the light of the decree in O.S.No.365 of 2018 on the file of the Sub Court, Lalugudi.

For Petitioner

: Mr.S.Ramsundarvijayraj,
M/s.Veera Associates

For Respondent

: Mr.G.Sailendrababu,
Government Advocate



ORDER

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(Order of the Court was made by **N.DILIP KUMAR.J.**)

This writ petition has been filed challenging the impugned proceedings of the respondent in Na.Ka.No.198/2026/A1, dated 5th August 2026, and consequently, to forbear the respondents from evicting the petitioner or demolishing or removing the petitioner's shop, in the light of the decree passed in O.S.No.365 of 2018 on the file of the Sub Court, Lalgudi.

2. Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner and Mr.G.Sailendra Babu, learned Government Advocate, who takes notice on behalf of the respondent.

3. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner claims to be running a small tea and cool drinks shop near the Old Bus Stand for several decades. He also claims to be having an electricity service connection and municipal tax records in respect of the said shop. The petitioner further states that he had earlier instituted a civil suit in O.S.No.365 of 2018 before the Sub Court, Lalgudi, and obtained a decree in his favour on 30th September 2019.



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5. The petitioner therefore contends that, in violation of the decree passed by the Civil Court, the respondent is initiating action to remove his shop by treating him as an encroacher.

6. The petitioner also raises a plea that, before issuing the impugned proceedings, the respondent authority failed to give him an opportunity of submitting his explanation by issuing a show cause notice as contemplated under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998. Accordingly, he prays for allowing the writ petition.

7. The petitioner has also brought to the notice of this Court the earlier order passed by this Court in W.P.(MD)No.28282 of 2023, dated 4th March 2026, as well as the order passed in Cont.P.(MD)No.1367 of 2026, which was closed on 10th June 2026.

8. Per contra, the learned counsel appearing for the respondent Town Panchayat would submit that the decree passed in the civil suit grants only a limited relief, namely, that the petitioner shall not be evicted without following due process of law. It is further submitted that the contempt petition was also closed by recording that the respondent is at liberty to initiate action, if they are



of the opinion that the petitioner is an encroacher, by following due process of law. According to the learned counsel, the impugned proceedings has been issued in accordance with such due process. Hence, he prays for dismissal of the writ petition.

9. We have heard the learned counsel appearing for the respective parties and perused the materials available on record.

10. The decree passed in the civil suit admittedly grants only a limited relief to the petitioner, namely, that he shall not be evicted except by following due process of law. Therefore, the contention of the petitioner that the said decree operates as a bar against the respondents from initiating any proceedings for his eviction is not acceptable and the same is rejected.

11. However, the second contention of the petitioner merits consideration. It is not in dispute that, prior to passing the impugned proceedings, the petitioner was not given an opportunity to submit his explanation by issuing a show cause notice as contemplated under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998.



12. In view of the above, the impugned proceedings of the respondent in Na.Ka.No.198/2026/A1, dated 05th August 2026, is set aside. The impugned order shall be treated as a show cause notice issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998. The petitioner shall submit his explanation, along with all relevant documents, within a period of 15 days from the date of receipt of a copy of this order. Upon receipt of such explanation, the respondent shall consider the same and pass appropriate orders, strictly in accordance with law and after following the statutory procedure contemplated under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, within a period of six weeks thereafter.

13. Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

[M.D.I.,J] [N.D.K.,J]
13.08.2026

Index:Yes/No
Internet:Yes/No
TSG
To
The Executive Officer,
S.Kannanur Special Grade Town Panchayat,
S.Kannanur,
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**M.DHANDAPANI, J
AND
N.DILIP KUMAR, J**

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