



WP No.15144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP No.15144 of 2023
and WMP Nos.14638, 14639 and 25986 of 2023

1.J.M.H.Imran Khan
2.J.M.H.Hasan Moulan
3.J.M.H.Ashiq
4.J.M.H.Fathima

... Petitioners

-VS-

1. The Executive Engineer,
Zone-4, Greater Chennai Corporation,
Chennai-600 021.
2. The Assistant Engineer,
Division No.37, Zone No.04,
Greater Chennai Corporation,
Chennai-600 018.
3. The Tahsildar,
Perambur Taluk,
Chennai-600 011.
4. The Inspector of Police,
Law and Order,
P-6, Police Station,
Kodungaiyur, Chennai-600 118.



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5. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notice of the 1st respondent dated 04.05.2023 bearing number ம.அ.4.ந.க.எண்.பி3/சிறப்பு/2023 and quash the same.

For the Petitioners : Mr.A.K.Sriram
Senior Counsel
for Mr.C.Santhoshkumar

For the Respondents : Mr.Prithvi Chopda
For RR1 and 2
: Mrs.R.Anitha,
Special Government Pleader,
for RR3 and 4
: Ms.C.N.Vinobha
For R.5
: Mr.R.Raveendran
for the proposed party

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.K.Sriram, learned senior counsel for the petitioners, Mr.Prithvi Chopda, learned counsel for respondent Nos.1 and 2, Mrs.R.Anitha, learned Special Government Pleader, for



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respondent Nos.3 and 4 and Ms.C.N.Vinobha, learned counsel for respondent No.5.

2. Notice is issued to the petitioners to remove the encroachment. The learned senior counsel for the petitioners submits that the petitioners are the owners of the property having purchased it under a registered sale deed of the year 1994. The construction of the compound wall exists since the year 1997. No encroachment or any unauthorised construction has been carried out by the petitioners. According to the learned senior counsel for the petitioners, even the provisions of Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998, has not been complied with.

3. The notice is issued on 04.05.2023 after coming into operation the Tamil Nadu Urban Local Bodies Act, 1998. Section 128(1)(b) of the said Act provides for the show cause notice.

4. In light of the above, we pass the following order.

The impugned notice shall be construed as the show cause notice. The petitioners shall file reply along with the documents on



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which the petitioners rely within a period of ten days from today. The respondent authorities shall consider the reply and the documents that will be filed by the petitioners and shall take decision afresh with regard to the alleged compound wall and/or the construction on its own merits.

The writ petition is disposed of. There will be no order as to costs. W.M.P.No.14638 of 2023 filed by the petitioners to permit them to file a single writ petition is allowed and disposed of. W.M.P.Nos.14639 and 25986 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

11.09.2023

Index : Yes/No
Neutral Citation : Yes/No
sra

To

1. The Executive Engineer,
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Chennai-600 021.
2. The Assistant Engineer,
Division No.37, Zone No.04,
Greater Chennai Corporation,
Chennai-600 018.

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3. The Tahsildar,
Perambur Taluk,
Chennai-600 011.
4. The Inspector of Police,
Law and Order,
P-6, Police Station,
Kodungaiyur, Chennai-600 118.
5. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(sra)

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