



W.P.No.26193 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.AUDIKESSAVALU

W.P.No.26193 of 2023

1. R.Ramamoorthy
2. Jayanthi

.. Petitioners

Vs.

The Commissioner
Tambaram Corporation
Office of the Corporation Commissioner
Tambaram.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the respondent Corporation in Na.Ka.No.607/2023/F1 dated 18.08.2023 and quash the same and consequently, direct the respondent to conduct survey of S.No.781/12 after issuing notice, giving opportunity to the petitioners prior to passing any orders as contemplated under S.128(1)(b) of Tamil Nadu Urban Local Bodies Act, 1998.



W.P.No.26193 of 2023

WEB COPY

For the Petitioners : Mr.K.Sakthivel

For the Respondent : Mr.P.Srinivas

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.K.Sakthivel, learned counsel for the petitioners and Mr.P.Srinivas, learned counsel for the respondent.

2. The petitioners are assailing the notice issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 (Amended Act, 2022) for removal of encroachment.

3. It is not disputed that prior to the impugned notice directing the first petitioner to remove the encroachment, no show cause notice was issued nor any opportunity in whatsoever form was given to him.

4. In the light of that, we pass the following order:

The impugned notice dated 18.08.2023 shall be construed as a show cause notice. The first petitioner may file his reply to the same,



W.P.No.26193 of 2023

WEB COPY

along with the documents, within a period of ten days from today. The respondent shall consider the reply and the documents filed by the first petitioner and shall take decision with regard to the alleged encroachment or otherwise, on its own merits. Depending upon the decision taken by the authority, the parties may take further steps.

5. The writ petition is disposed of accordingly. There will be no order as to costs. W.M.P.No.25594 of 2023 filed for permitting the petitioners to file a single writ petition is allowed and disposed of. W.M.P.No.25595 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

11.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Commissioner
Tambaram Corporation
Office of the Corporation Commissioner
Tambaram.

Page 3 of 4



WEB COPY



W.P.No.26193 of 2023

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

(kpl)

W.P.No.26193 of 2023

11.09.2023