



W.P.No.27689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM :

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

AND

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

W.P.No.27689 of 2023

K.Karthikeyan

.. Petitioner

Vs

The Commissioner,
Kanchipuram City Municipal Corporation,
Annai Indira Gandhi Salai,
Big Kanchipuram
Pin-631 501.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records in ref. Na.Ka.No.7610/2002/NV signed on 11.08.2023 on the file of the respondent and quash the same.

For the Petitioner : Mr.K.Balaji

For the Respondent : Mr.R.Gopinath



W.P.No.27689 of 2023

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.K.Balaji, learned counsel for the petitioner and Mr.R.Gopinath, learned counsel for the respondent.

2. The petitioner is challenging the notice under Section 128 of the Tamil Nadu Urban and Local Bodies Act, 1998 issued against the petitioner for removal of encroachment.

3. Learned counsel for the petitioner submits that the petitioner has decree in his favour in respect of the property in question. The petitioner is not an encroacher.

4. The notice is issued under Section 128 of the Tamil Nadu Urban and Local Bodies Act, 1998 to the petitioner for removal of encroachment. The provision contemplates issuance of a show cause notice before directing removal of encroachment.

5. In the light of the above, we pass the following orders:



W.P.No.27689 of 2023

- (i) The impugned notice shall be construed as show cause notice in favour of the petitioner.
- (ii) The petitioner shall file the reply within fifteen days from today to the said notice along with all documents, which the petitioner relies upon.
- (iii) The respondent shall consider the reply and the documents filed by the petitioner and thereafter take a decision regarding the encroachment or otherwise.

6. With these observations and directions, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.27164 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

25.09.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr

To:
The Commissioner,
Kanchipuram City Municipal Corporation,
Annai Indira Gandhi Salai, Big Kanchipuram
Pin-631 501.



WEB COPY



W.P.No.27689 of 2023

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

bbr

W.P.No.27689 of 2023

25.09.2023