



W.P.No.28169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM :

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

AND

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

W.P.No.28169 of 2023

M.Gokulakrishnan

.. Petitioner

Vs

The Commissioner,
Tambaram Corporation,
Office of Corporation Commissioner,
Tambaram.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the respondent in Na.Ka.No.607/2023/F1 dated 16.08.2023 and quash the same and consequently direct the respondent to conduct a survey of the petitioner's land to ascertain encroachment if any and thereafter issue a show cause in accordance with Section 128(1)(b) of Tamil Nadu Urban Local Bodies Act, 1988 (Amendment 2022) and Rule 319 of the Tamil Nadu Urban Local Bodies Rules, 2023.



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For the Petitioner : Ms.Meena Annamalai

For the Respondent : Mr.P.Srinivas

ORDER

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

We have heard Ms.Meena Annalai, learned counsel for the petitioner; and, Mr.P.Srinivas, learned counsel for the respondent.

2. The petitioner is 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 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:

(i) The impugned notice dated 16.08.2023 shall be



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construed as a show cause notice.

(ii) The petitioner may file his reply to the same, along with the documents, within a period of ten days from today.

(iii) The respondent shall consider the reply and the documents filed by the petitioner and take a decision with regard to the alleged encroachment or otherwise, on its own merits.

(iv) 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. Consequently, W.M.P.No.27695 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To:
The Commissioner,
Tambaram Corporation,



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Office of Corporation Commissioner,
Tambaram.

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

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