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THE HIGH COURT OF JUD ICATURE AT MADRAS

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.31113 of 2023
and
WMP.No.30738 of 2023

West Coimbatore Congregation of Jehovah's
Witnesses Trust

Rep. by its Secretary, Mr.M.Paulraj,
No.100, Teacher's Colony,
Royal Nagar, Udumalaipettai – 642126.

...Petitioner

Vs.

- 1.The District Collector,
Collector Office, Tiruppur,
Tiruppur District.
- 2.The Commissioner,
Udumalaipettai Municipality,
Municipality Office,
Udumalaipettai,
Tiruppur District.
- 3.The Tahsildar,
Taluk Office,
SH-17, KuuttaiThidal,
Udumalaipettai.



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4. The Block Development Officer,
Block Development Office,
Udumalaipettai, Tiruppur District.

5. The Town Planning Officer,
Kumaran Commercial Complex,
First Floor, Corporation Building,
Near Railway Station,
Tiruppur – 641 604.

6. The Member Secretary,
Tiruppur Local Planning Committee,
377, Kamarajar Salai,
Tiruppur District – 641604.

7. The Deputy Director of Urban Development,
District Urban Development Office,
Kumaran Commercial Complex,
Tiruppur District, Tiruppur – 1.

8. G. Ranganathan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent letter dated 21.09.2023 in Na.Ka.No.273/219/F1 and quash the same as null and void and as a consequential relief of restrain the respondents 1 to 7 from taking coercive action on the petition property based on the impugned letter issued by the 2nd respondent dated 21.09.2023 pertaining to Na.Ka.No.273/219/F1 relating to building premises.



For Petitioner : Mr.T.Ramachandran
For Respondents :Mr.A.Selvendran
Special Government Pleader
for R1, R3, R4, R5 & R7
Mr.B.Anand for R2

ORDER

(Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.)

These Writ Petitioners challenge the order passed under Section 128 of the Urban Local Bodies Act, 1998 dated 21.09.2023, in and by which, the petitioners were directed to remove the encroachment.

2.It is the contention of the learned counsel for the petitioners that the entire land is a patta land. However, on behalf of the respondents, it is submitted that a portion of the petitioners' building has encroached into the road margin. We see that no specific show cause notice has been issued prior to the passing of the impugned order. Therefore, the impugned order dated 21.09.2023 shall be treated as a show cause notice. The petitioner can raise all objections by submitting explanation within one week from the date



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of receipt of a copy of this order. Thereafter, the respondents shall consider the same and pass a speaking order on merits in accordance with law.

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3. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.B.C.,J.) (V.L.N., J.)
26.10.2023

mkn/kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking

Neutral Citation : Yes/No



To:-

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