



WP No.24364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WP No.24364 of 2024

V.Venu

... Petitioner

versus

1.The District Collector,
Chennai District,
At Chennai.

2.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai- 600003.

3.The Regional Deputy Commissioner (South),
Corporation of Chennai,
Zone-XI, Valasaravakkam,
Chennai- 600 087.

4.The Tahsildar,
Maduravoyal Taluk,
Nolambur,
Chennai- 600 037.

...Respondents

1/6



WP No.24364 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records relevant to the order in Notice No.Z.O.XI.C.No.E1/3802 dated 14.08.2024 under Section 128 of Tamil Nadu Urban Local Bodies Act 1998 passed by the third respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles natural justice and forbearing the respondents from evicting the petitioner from his possession and enjoyment of the property situated in Survey No.195/2, Village No.62, at Door No.7A, 7B & 7C, Aishwaryam Nagar, Nolambur Village, Ambattur Taluk, Tiruvallur District to an extent of 9 cents land and pass orders.

For the Petitioner :Mr.B.Sundarapandiyan

For the Respondents :Mr.T.K.Saravanan
Government Advocate
for respondents 1 and 4
Ms.S.Vanitha Joice Rani
Standing Counsel for respondents 2 and 3

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed challenging the Notice No.Z.O.XI.C.No.E1/3802 dated 14.08.2024 issued under Section 128 of Tamil Nadu Urban Local Bodies Act 1998 by the third respondent and forbear the respondents from evicting the petitioner from his possession and



WP No.24364 of 2024

enjoyment of the property situated in Survey No.195/2, Village No.62, at Door No.7A, 7B & 7C, Aishwaryam Nagar, Nolambur Village, Ambattur Taluk, Tiruvallur District to an extent of 9 cents land.

2. According to the petitioner, the property in question in the revenue records is classified as Kalam poramboke and for the past 30 years, petitioner is residing in the said property. While so, a notice dated 14.08.2024 under Section 128 of Tamil Nadu Urban Local Bodies Act 1998, has been served to the petitioner by the third respondent. On receipt of the said notice, the petitioner has submitted objection to the officials respondents on 17.08.2024. When such objection is pending with the respondent concerned, the officials respondents are attempting to evict the petitioner without providing opportunity to the petitioner. Hence, the petitioner has filed the present writ petition.

3. Learned Standing Counsel for the Corporation would submit that the petitioner has earlier filed a writ petition in WP No.10727 of 2010 and the same was disposed of by this Court with a direction to the authorities



WP No.24364 of 2024

concerned to proceed wherever removal of encroachment is necessary by following the procedure prescribed by the Act and Rules. However, still Corporation is not in a position to evict the petitioner from the aforesaid property in question.

4. We have gone through the provisions of Section 128 of Tamil Nadu Urban Local Bodies Act 1998, wherein it is clearly stated that show cause notice has to be served for removal of encroachment to the person concerned. Now the petitioner has submitted his objection for the aforesaid notice issued by the third respondent. In such circumstances, this Court directs the respondents to consider the said objection dated 17.08.2024 made by the petitioner on merits and pass appropriate orders, as early as possible. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Till such time, there shall be an order of status quo as on today to be maintained by the parties.

5. The writ petition stands disposed of with the above directions.



WP No.24364 of 2024

There shall be no order as to costs. Consequently, WMP No.26624 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
21.08.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

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THE HON'BLE ACTING CHIEF JUSTICE
and
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WP No.24364 of 2024

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WP No.24364 of 2024

21.08.2024