



W.P.No.27926 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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POONGAVANAM

Vs

.. Petitioner

1. THE COMMISSIONER
OFFICE OF THE GREATER CHENNAI CORPORATION
NO.53, RAJA MUTHIAH ROAD,
KANNAPPAR THIDAL, PERIYAMET,
BUILDING, CHENNAI - 600 003.
2. THE REGIONAL DEPUTY COMMISSIONER (NORTH REGION)
ZONE -I, GREATER CHENNAI CORPORATION
NO 945, T.H. ROAD, THIRUVOTTIYUR,
CHENNAI - 600 019.
3. THE EXECUTIVE ENGINEER/U-2
ZONE -I, GREATER CHENNAI CORPORATION
NO 945, T.H. ROAD, THIRUVOTTIYUR,
CHENNAI - 600 019.
4. THE ASSISTANT EXECUTIVE ENGINEER/U-2
ZONE -I, GREATER CHENNAI CORPORATION
NO 945, T.H. ROAD, THIRUVOTTIYUR,
CHENNAI - 600 019.



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5. THE ASSISTANT ENGINEER/JUNIOR ENGINEER-6
ZONE -I, GREATER CHENNAI CORPORATION
NO 945, T.H. ROAD, THIRUVOTTIYUR,
CHENNAI - 600 019.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records pertaining to the undated impugned notice vide Notice No. Z.O.1.C.No/02/2024 passed by respondents 2 to 5 herein and quash the same and consequently direct the first respondent to hear the petitioner's representation dated 09.09.2024 and thereby pass suitable order within a time frame fixed by the Court.

For the Petitioner : Mr.R.Abdul Mubeen

For the Respondents : Mr.A.Arun Babu
Standing Counsel

ORDER

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

Questioning the legality of the undated notice issued by respondents 2 to 5 invoking Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, the present writ petition is filed.

2. The primordial contention of learned counsel for the



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petitioner is that the petitioner is residing in the land in question for over 44 years and, all of a sudden, the respondents have issued the impugned notice, without affording any opportunity and without considering the representation submitted by the petitioner on 9.9.2024.

3. Learned Standing Counsel for the respondents fairly submitted that the representation of the petitioner dated 9.9.2024 would be duly considered within one week and the order passed shall be communicated to the petitioner. He further submitted that based on the decision taken by the respondents, if necessary, action shall be taken by issuing a fresh notice under Section 128 of the Act.

4. In the light of the aforesaid submissions, we dispose of the writ petition with the following directions:

- (i) The impugned notice shall be treated as a show cause notice and the representation dated 9.9.2024 shall be considered as an explanation submitted on



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behalf of the petitioner;

(ii)The competent authority shall consider the representation of the petitioner dated 9.9.2024 and pass appropriate orders betimes, preferably within one week from the date of receipt of a copy of this order, and communicate a copy of the order to the petitioner;

(iii)Till a decision is taken by the competent authority, no coercive steps shall be taken against the possession of the petitioner; and

(iv)If the competent authority upon consideration of the representation of the petitioner, eventually, arrives at a steadfast conclusion that encroachment exists and the same needs to be removed, then a fresh notice under Section 128 of the Act shall be issued to the petitioner and due process of law shall be adhered to.



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There shall be no order as to costs. Consequently,
W.M.P.Nos.30458, 30461 and 30463 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
23.09.2024

Index : Yes/No
NC : Yes/No
sasi

To:

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