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W.P.No.36430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.36430 of 2024

&

W.M.P No.39296 of 2024

in

W.P.No.36430 of 2024

P.Thangaraj

S/o.Perumal Padayachi

.. Petitioner

VS

1. The Commissioner of Corporation

Corporation of Chennai

Ripon Building, Chennai – 3

2. The Regional Deputy Commissioner South

No.115, Dr.Muthulakshmi Salai

Adayar, Chennai – 600 020

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the first respondent to dispose of the petitioner's appeal dated 16.10.2024 as expeditiously as



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possible and till then, direction to the first respondent to keep all the eviction proceedings against the petitioner herein in abeyance till the disposal of the above appeal.

For Petitioner : Mr.M.Ramalingam

For Respondents : Mr.D.B.R.Prabhu
Standing counsel for R1 and R2

ORDER

(Order of the Court was made by M.SUNDAR, J.)

When the matter was taken up, learned counsel on both sides submitted that captioned matter is covered by order in W.P.No.28644 of 2024 etc., batch, dated 28.11.2024 which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.Nos.28644, 30932, 31059, 34847, 34927,

34945, 35209 and 35253 of 2024

and

W.M.P.No. 31243 of 2024 in W.P.No.28644 of 2024,



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***W.M.P.No. 33515 of 2024 in W.P.No.30932 of 2024,
W.M.P.No. 33687 of 2024 in W.P.No.31059 of 2024,
W.M.P.No. 37898 of 2024 in W.P.No.34945 of 2024,
W.M.P.No. 37777 of 2024 in W.P.No.34847 of 2024,
W.M.P.No. 37874 of 2024 in W.P.No.34927 of 2024,
W.M.P.No. 38121 of 2024 in W.P.No.35209 of 2024,
and
W.M.P.No. 38155 of 2024 in W.P.No.35253 of 2024***

W.P. No.28644 of 2024

1.Selvaraj

2.Madhusudhanarao

3.Maniarun

4.Vijaya

5.Kuttyammal

6.Thiruvir Pandian A.T.

7.Mani

8.Ravi

... Petitioners

vs

The State rep by

1.The District Collector,

O/o. District Collector Office,

Tiruvallur District.

2.The Tahsildar,

O/o.Madhuravayal Taluk Office,

Madhuravayal, Chennai.

3.The Commissioner,

Greater Chennai Corporation,



W.P.No.36430 of 2024

Chennai.

... Respondents

(R3 impleaded vide order dated

22.10.2024 in W.P.No.28644 of 2024)

W.P. No.30932 of 2024

M.Raghu

... Petitioner

vs

*1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.*

*2.The Executive Engineer,
Corporation of Chennai,
Zone – XI, Valasaravakkam,
Chennai – 600 087.*

*3.The Assistant Executive Engineer,
Corporation of Chennai,
Zone – XI, Valasaravakkam,
Chennai – 600 087.*

*4.The Zonal Officer,
Corporation of Chennai,
Zone – XI, Valasaravakkam,
Chennai – 600 087.*

5.The Assistant Engineer,



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*Corporation of Chennai,
Zone – XI, Ward 144,
Maduravoyal, Chennai – 600 095.*

*6.The Tahsildar,
Maduravoyal Taluk,
Nolambur, Chennai – 600 037.*

*7.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.*

... Respondents

W.P. No.31059 of 2024

1.P.Gowri

2.S.Kuttiyammal

3.C.Manjula

4.A.Sivasankari

5.J.Muniyammal

6.Raja

7.P.Saravanan

8.D.Devadhas

9.V.Kanagaraj

10.M.Annappan

11.A.Kanagaraj

12.R.Rani

13.G.Sellammal



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14.M.Kanjana

15.S.Nagalakshmi

16.S.Vasanth

17.S.Kanagaraj

18.V.Thangavel

19.P.Malliga

20.P.Vasudevan

21.V.Samundeeshwari

22.A.Rahman

23.A.Ameer Bee

24.M.Babu

25.M.Ramesh

26.P.Selvakumar

27.K.Parasuraman

28.Meenakshisundaram

29.A.Murugaselvi

30.N.Chandra

31.V.Shanthi

32.S.Arputham

33.V.Rajendran

34.R.Ramani

... Petitioners

vs

1.The Commissioner,



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*Corporation of Chennai,
Rippon Building,
Chennai – 600 003.*

*2.The Zonal Officer (Zone-XI),
Valasaravakkam,
Chennai – 600 087.*

*3.The Tahsildar,
Maduravoyal, Chennai – 600 095.*

4.S.Abbas

... Respondents

W.P. No.34847 of 2024

M.Karthigeyan

... Petitioner

vs

*1.The Commissioner of Corporation,
Corporation of Chennai,
Rippon Building,
Chennai – 3.*

*2.The Regional Deputy Commissioner South,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.*

... Respondents

W.P. No.34927 of 2024



W.P.No.36430 of 2024

R.Kumudha

... Petitioner

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vs

*1.The Commissioner of Corporation,
Corporation of Chennai,
Rippon Building,
Chennai – 3.*

*2.The Regional Deputy Commissioner South,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.*

... Respondents

W.P. No.34945 of 2024

R.Anjayammal

... Petitioner

vs

*1.The Commissioner of Corporation,
Corporation of Chennai,
Rippon Building,
Chennai – 3.*

*2.The Regional Deputy Commissioner South,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.*

... Respondents

W.P. No.35209 of 2024

G.Meena

... Petitioner

vs

*1.The Commissioner of Corporation,
Corporation of Chennai,*



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*Rippon Building,
Chennai – 3.*

*2.The Regional Deputy Commissioner South,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.*

... Respondents

W.P. No.35253 of 2024

A.Sekar

... Petitioner

vs

*1.The Commissioner of Corporation,
Corporation of Chennai,
Rippon Building,
Chennai – 3.*

*2.The Regional Deputy Commissioner South,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.*

... Respondents

Prayer in W.P.No.28644 of 2024: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from taking coercive action on the petitioners' houses at Survey Number 80/2, N.T.Patel Road, Manthaveli Street, Nerkundram, Chennai without following procedure established under law based on the petitioners' representations dated 19.09.2024.

Prayer in W.P.No.30932 of 2024: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property situated at Survey No.128/3 in Door No.1/1-A, Rajiv Gandhi Street, Maduravoyal Village, Chennai – 600 095 to an extent of 608 sq. ft. of land and consisting of house with ground and first floor except due process of law.

Prayer in W.P.No.31059 of 2024: Writ Petition filed under



W.P.No.36430 of 2024

Article 226 of The Constitution of India praying to issue a Writ of Mandamus to forbear the respondents 1 to 3 from taking coercive action on the petitioners' dwelling houses situated in Survey No.128/3 at Maduravoyal, Chennai without following the due process of law and pass orders on the representations made by the petitioners dated 06.01.2022 and 27.09.2024.

Prayer in W.P.No.34847 of 2024: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 16.10.2024 as expeditiously as possible and till then, direct the first respondent to keep all the eviction proceedings against the petitioner herein in abeyance till the disposal of the above appeal.

Prayer in W.P.No.34927 of 2024: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 16.10.2024 as expeditiously as possible and till then, direct the first respondent to keep all the eviction proceedings against the petitioner herein in abeyance till the disposal of the above appeal.

Prayer in W.P.No.34945 of 2024: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 16.10.2024 as expeditiously as possible and till then, direct the first respondent to keep all the eviction proceedings against the petitioner herein in abeyance till the disposal of the above appeal.

Prayer in W.P.No.35209 of 2024: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 16.10.2024 as expeditiously as possible and till then, direct the first respondent to keep all the eviction proceedings against the petitioner herein in abeyance till the disposal of the above appeal.

Prayer in W.P.No.35253 of 2024: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 16.10.2024 as expeditiously as possible and till then, direct the first respondent to keep all the eviction proceedings against the



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petitioner herein in abeyance till the disposal of the above appeal.

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For Petitioners : Mr.L.Chandrakumar

in W.P.No.30932 of 2024

Mr.Balan Haridas

for Mr.S.Parthasarathi

in W.P.No.31059 of 2024

Mr.M.Ramalingam

in W.P.Nos.35253, 34927,

34847, 35209 and 34945 of

2024

Mr.R.Thirumoorthy

in W.P.No.28644 of 2024

For Respondents : Mr.P.Kumaresan,

Additional Advocate General

assisted by

Mr.D.B.R.Prabhu,

Standing Counsel

for R1 to R5

in W.P.No.30932 of 2024

for R1 and R2

in W.P.Nos.31059,35253, 34927,

34847, 35209 and 34945 of 2024

for R3 in W.P.No.28644 of 2024

Mr.T.K.Saravanan

Government Advocate for R6

in W.P.No.30932 of 2024



W.P.No.36430 of 2024

for R1 and R2

in W.P.No.28644 of 2024

Mr.M.Habeeb Rahman,

Government Advocate

for R3 in W.P.No.31059 of 2024

COMMON ORDER

*[Order of the Court was made by **M.SUNDAR, J.,**]*

This common order will govern captioned eight 'Writ Petitions' (hereinafter 'WPs' in plural and 'WP' in singular for the sake of convenience and clarity) and captioned 'Writ Miscellaneous Petitions' (hereinafter 'WMPs' in plural and 'WMP' in singular for the sake of convenience and clarity) thereat. Owing to earlier proceedings (the details of which are not imperative for appreciating this order), the respondents accepted notice in all the WPs/WMPs and the main WPs were taken up with the consent of both sides considering the narrow scope of the matter.

2. The matter at hand turns on a very simple and straight forward point. There is allegation by the local body i.e., Greater Chennai Corporation that there are encroachments in street/public place/land belonging to or vested with the Corporation.

3. The writ petitioners while disputing the allegation primarily contend that they have not been put on notice. While the writ petitioners' counsel contend that the writ petitioners have not been put on notice,



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Mr.P.Kumaresan, learned Additional Advocate General appearing for Mr.D.B.R.Prabhu, learned standing counsel for Greater Chennai Corporation submits to the contrary, in other words, learned State counsel submits that the writ petitioners have been put on notice.

4. Be that as it may, before we proceed further, it is necessary to record that in some of the captioned matters, pursuant to earlier proceedings, a contempt petition in Contempt Petition No.2790 of 2023 was filed and the same was disposed of by another Hon'ble Division Bench on 14.11.2024. In the contempt petition also, State has contended that notices have been issued but with the intention of giving quietus to the disputation regarding whether writ petitioners were put on notice, learned Additional Advocate General fairly submitted that notice will now be issued under Section 128(1)(b) of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity). This puts an end to the controversy about notices as Section 128(1)(b) of TNULB Act provides for noticees being show caused. One other factual feature which may have to be captured is, in some of the captioned matters, appeals under The Chennai City Municipal Corporation Act, 1919 have been preferred and the appeals also are predicated on the point that writ petitioners were not show caused. All those proceedings will now stand effaced.

5. In the light of the narrative thus far, the following consent order is made:

5.1 The writ petitioners and/or all others alleged



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encroachers will be put on notice vide Section 128(1)(b) of TNULB Act;

5.2 On receipt of aforementioned notices, it will be open to the writ petitioners to make a representation and for this purpose, all the rights and contentions of the writ petitioners are left open de hors earlier proceedings;

5.3 If the writ petitioners choose to make a representation (within seven days as provided under Section 128(1)(b) of TNULB Act), the Commissioner of Greater Chennai Corporation shall pass final orders taking into account/ considering the representations on their own merits;

5.4 Though obvious we make it clear that any further action regarding removal of alleged encroachments or giving quietus to the matter will be subject to/depending on the final orders which Commissioner will make.

6. Captioned eight WPs are disposed of in the aforesaid manner.

Consequently, captioned WMPs thereat are disposed of as closed. There shall be no order as to costs.'

2. Therefore, there shall be a similar order vide paragraphs 5 and 6 of the earlier order dated 28.11.2024.

3. Captioned writ petition disposed of in the aforesaid manner. There shall be no order as to costs. Consequently, the captioned writ miscellaneous petition thereat is closed.

[M.S., J]

[K.R.S., J]

09.12.2024



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Index: Yes/No

Neutral Citation: Yes/No

Speaking order / Non-speaking order
gpa



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To

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1. The Commissioner of Corporation
Corporation of Chennai
Ripon Building, Chennai – 3

2. The Regional Deputy Commissioner South
No.115, Dr.Muthulakshmi Salai
Adayar, Chennai – 600 020



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W.P.No.36430 of 2024

M.SUNDAR,J.,
and
K.RAJASEKAR, J.,

gpa

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