



W.P.No.35502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.35502 of 2024

and

W.M.P.No.38394 of 2024

in

W.P.No.35502 of 2024

A.Raja
S/o.Angappan

... 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

Prayer :

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the first respondent to dispose

Page Nos.1/6



W.P.No.35502 of 2024

of the petitioner's appeal dated 16.10.2024 as expeditiously as 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

ORDER

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

This order will govern captioned 'Writ Petition' (hereinafter 'WP' for the sake of convenience and clarity) and captioned 'Writ Miscellaneous Petition' (hereinafter 'WMP' for the sake of convenience and clarity) thereat.

2. The matter 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.



W.P.No.35502 of 2024

WEB COPY

3. Issue notice to both the respondents.

4. Mr.D.B.R.Prabhu, learned Standing Counsel accepts notice for both the respondents.

5. The writ petitioner while disputing the allegation primarily contends that he has not been put on notice. While the writ petitioner's counsel contends that the writ petitioner has not been put on notice, 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 petitioner has been put on notice.

6. Be that as it may, before we proceed further, it is brought to the notice of this Court that in similar matters, pursuant to earlier proceedings, a contempt petition in Contempt Petition No.2790 of 2023 was filed and the same was disposed of on 14.11.2024 and in the contempt petition also, State has contended that notices have been issued but with the intention of giving quietus to the disputation regarding writ petitioners in similar matters being put on notice, learned Additional Advocate General appearing in those cases 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



W.P.No.35502 of 2024

'TNULB Act' for the sake of convenience and clarity) and this puts an end to the controversy about notices.

7. Reverting to the case on hand, in the captioned matter, appeal under The Chennai City Municipal Corporation Act, 1919 has been preferred and the appeal also is predicated on the point that writ petitioner was not put on notice. All these proceedings will now stand effaced.

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

(i) The writ petitioner and/or all others (alleged encroachers) will be put on notice vide Section 128(1)(b) of TNULB Act;

(ii) On receipt of aforementioned notice, it will be open to the writ petitioner to make a representation. For this purpose, all the rights and contentions of the writ petitioner are left open *de hors* earlier proceedings;

(iii) If the writ petitioner chooses to make a representation (within seven days as provided under Section 128(1)(b) of TNULB Act), the Commissioner of



W.P.No.35502 of 2024

WEB COPY

Greater Chennai Corporation shall pass final orders taking into account/ considering the representation on their own merits;

(iv) 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.

9. Captioned WP and captioned WMP are disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

02.12.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

Page Nos.5/6



WEB COPY



W.P.No.35502 of 2024

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

mk

To

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.

W.P.No.35502 of 2024

02.12.2024

Page Nos.6/6