



W.P. No.4717 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.4717 of 2025 and W.M.P. No.5237 of 2025

1. P. Ranjithkumar
2. Muniammal
3. M. Mythili
4. N. Sukumar
5. Menagadevi
6. Anand
7. M. Arul Kumar
8. R. Pattieshwari
9. Saravanan
10. P. Vellingiri
11. Ranganathan
12. Saravanan
13. M. Suganya
14. Manikandan



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15. Nithiya

16. Kavitha

17. Hemalatha

18. Shanmugam

Petitioners

vs.

1. The District Collector
Coimbatore District
Coimbatore

2. The Urban Planning Officer
Corporation of Coimbatore
Coimbatore

3. The Commissioner
Corporation of Coimbatore
Coimbatore

4. The District Revenue Officer
O/o the District Collector
Coimbatore

5. The Tahsildar
Peru Taluk
Coimbatore

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for records of the second and third respondents leading to issuance of notices dated 20.01.2025 in Na.Ka.No.000365/2025/H1/S and quash the same and issue a consequential direction restraining the second and third respondents, their men, their agents and anyone claiming under them from permanently demolishing the residential houses situated at MGR Nagar, Muthiya Udaiyar Street, Thelugupalayam, Coimbatore 641 039.

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For petitioners	Mr. R. Abdul Mubeen for Mr. R. Nandha Kumar
For RR 1,4 & 5	Mr. T.K. Saravanan Additional Government Pleader
For RR 2 & 3	Mr. D. Ferdinand Standing Counsel

ORDER

[made by K. GOVINDARAJAN THILAKAVADI, J.]

With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal in the Admission Board itself.

2. This writ petition has been filed challenging the notices all dated 20.01.2025 and all bearing reference Na.Ka.No.000365/2025/H1/S issued by the second respondent.

3. The impugned notices which direct removal of encroachment are challenged essentially on two grounds, viz., (i) the second respondent lacks the authority to issue the impugned notices and (ii) the writ petitioners were not show caused before the impugned notices came to be issued.



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4. This Court finds merit and substance in the aforesaid two grounds, for, as per Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998, it is only the Commissioner who has authority to remove any immovable structure after issuance of a show cause notice for such removal and upon receipt of a representation within a period of seven days from the date of receipt of show cause notice by the noticee. The term "Commissioner" is defined under Section 2(7), *ibid.* and the said provision is extracted below for ready reference:

'2. Definitions.-- In this Act, unless the context otherwise requires,--

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)

"Commissioner" means--

(a) in relation to a Municipal Corporation and Municipal Council, the Commissioner of the Municipal Corporation or Municipal Council, as the case may be; and

(b) in relation to a Town Panchayat, the Executive Officer of the Town Panchayat.

5. Concededly, in the instant case, the impugned notices have been issued not by the Commissioner but by the Urban Planning Officer, Coimbatore Municipal Corporation (R2).



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6. It is also an admitted fact that prior to issuance of the impugned notices, the writ petitioners have not been show caused.

7. Therefore, solely on the aforesaid two grounds, the impugned notices are set aside, however, with liberty to the authority concerned, viz., the third respondent, to issue show cause notices to the writ petitioners and any representation received from the writ petitioners shall be considered before final orders are passed.

With the above observations, this writ petition stands disposed of. Consequently, connected W.M.P. stands closed. There shall be order as to costs.

(M.S., J.) (K.G.T., J.)
12.02.2025

cad
Index : Yes/No
NC : Yes/No



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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

cad

To

1. The District Collector
Coimbatore District
Coimbatore
2. The Urban Planning Officer
Corporation of Coimbatore
Coimbatore
3. The Commissioner
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Coimbatore
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