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W.P.No.5897 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

**THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HON'BLE MR. JUSTICE K. RAJASEKAR**

Writ Petition No.5897 of 2025

and

Writ Miscellaneous Petitions Nos.6475, 6476, 6480 & 6482 of 2025

1. Balasubramaniam

2. B.Vasantha

... Petitioners

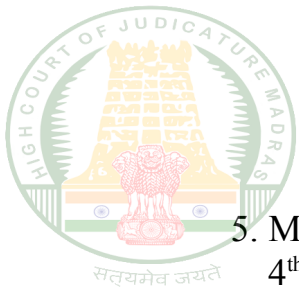
Vs.

1. The District Collector,  
Namakkal District.

2. The Commissioner,  
Tiruchengode Municipality,  
Tiruchengode Taluk,  
Namakkal District.

3. The Revenue Divisional Officer,  
Tiruchengode Taluk,  
Tiruchengode,  
Namakkal District.

4. The Tahsildar,  
Tiruchengode Taluk,  
Tiruchengode,  
Namakkal District.



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5. Mr.T.N.Ramesh  
4<sup>th</sup> Ward Councilor,  
Tiruchengode Municipality,  
Tiruchengode Taluk,  
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the entire records which culminated in issuing the impugned notice bearing Na.Ka.No.4297/2024/F1 dated 14.02.2025 on the file of the second respondent, quash the same.

For Petitioner : Mr.M.Elumalai

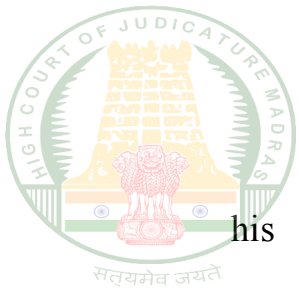
For R1 to R4 : Mr.M.Alagu Goutham  
Government Advocate

### ORDER

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

The order of the Commissioner, Tiruchengode Municipality dated 14.02.2025 is sought to be assailed in the present writ proceedings.

2. The authorities found that the petitioner encroached upon the public road and constructed building. The petitioner earlier filed W.P.No.4518 of 2025 challenging the notice issued by the Commissioner, Tiruchengode Municipality affording opportunity to the petitioner to submit



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his explanations/documents with reference to the allegations of encroachments of public road. This Court passed final orders on 07.02.2025, granting liberty to the petitioner to submit his explanations along with the documents if any, within a period of seven (7) days. On receipt of any such explanation, the Commissioner, Municipality was directed to consider the same and pass final orders on merits. Thereafter, the encroachments, if any, identified was directed to be removed.

3. Pertinently, the petitioner has encroached upon the road portion. The Commissioner, Municipality considered the explanation submitted by the petitioner and passed the impugned final order in proceeding dated 14.02.2025. The Commissioner, Municipality identified the road encroachment and the illegal constructions put up by the petitioner. With reference to the allegations of the petitioner that some other persons also have encroached upon the public land, the impugned order states that actions have already been initiated and after conducting survey of a public lands, all appropriate actions will be initiated to remove all other encroachments. Therefore, the petitioner, in order to escape from the clutches of eviction cannot raised allegation against other encroachers.



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4. Such an attitude of an encroacher at no circumstances be appreciated by the High Court. An illegality cannot be a precedent or a ground to seek exoneration from legal actions. Therefore, the contention of the petitioner that his building to be demolished, only after demolishing the buildings of the other encroachers, deserves no consideration from the hands of this Court. The authorities in the impugned order has stated they have initiated action in respect of all other encroachments and after conducting survey, necessary actions will be taken by following the due procedures.

5. That being so, the petitioner has not made out any *prima facie* case for entertaining the present writ petition. More so, the petitioner filed first writ petition, challenging the notice and this Court granted opportunity to submit his explanations/documents and after passing final order, again, the petitioner filed the present writ petition.

6. That being so, the second respondent is directed to remove the encroachments in the petitioner's premises within a period of one week from today and continue all further actions as stated in the impugned order against all other encroachments.



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7. With the above directions, the writ petition stands dismissed. There

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shall be no order as to costs. Consequently, the connected miscellaneous petitions are also stands dismissed.

(S.M.S., J.) (K.R.S., J.)  
20.02.2025  
(1/2)

ssi

Index: Yes

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To

1. The District Collector,  
Namakkal District.
2. The Commissioner,  
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Tiruchengode Taluk,  
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**S. M. SUBRAMANIAM., J.**

**AND**

**K. RAJASEKAR., J.**

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(1/2)