



WEB COPY



W.P.No.9238 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.No.9238 of 2021
and
W.M.P.Nos.9781, 9782 & 9784 of 2021**

1. P.Damodaran(Deceased)
S/o Ponnusamy
2. D.Usha,
D/o Late P.Damodaran
3. D.Ponraj,
S/o Late P.Damodaran
(P2 & P3 substituted as LR's of
Deceased sole petitioner
vide order dt.03.09.2025 made
in WMP.35350/2025 in WP.9238/2021
by MSJ & MSKJ)

... Petitioners

Vs.

The Commissioner,
Coimbatore Municipal Corporation,
Big Bazaar Street,
Coimbatore – 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the respondent comprising the impugned notice of the respondent dated 25.02.2021, purportedly issued under Sections 258(1) and 441 of the Coimbatore City Municipal Corporation Act, 1981 and all consequential proceedings thereto, and quash the same as illegal and arbitrary.



For Petitioners : Mr.Vishwesh.K

For Respondents : Mr.K.Magesh

ORDER

S.M.SUBRAMANIAM,J.

Notice issued by the Commissioner Corporation under the Coimbatore Corporation Act for removal of encroachment is under challenge in the present writ petition.

2. No writ against notice is entertainable, unless it is issued by an incompetent authority, having no jurisdiction. In the present case, the authorities, during the course of inspection and survey, identified encroachments and initiated enforcement action for removal of all encroachments.

3. Learned Standing counsel appearing for the Corporation would submit that in respect of few encroachers, four shops have been sealed and in respect of other encroachers, the writ petitions were filed and interim orders were obtained and therefore, all further actions are stopped.

4. If at all the petitioner is having any defence, it is to be submitted along with the documents, if any, to the competent authority for consideration. Writ Court cannot conduct a roving enquiry in respect of the disputed fact which is to be decided by the competent authority by



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conducting an enquiry. In the present case, the Corporation Commissioner identified the encroachers and that being the factum, the Commissioner is empowered to initiate enforcement action to evict the encroachers.

5. The petitioner is at liberty to submit his explanations/documents within a period of ten days from today and on receipt of any such representation, the Commissioner Corporation shall look into the same and thereafter, take a final decision, regarding the encroachment and proceed with the enforcement action and evict all the encroachers. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
04.12.2025

vsi
Index : Yes
Speaking order : Yes

To

The Commissioner,
Coimbatore Municipal Corporation,
Big Bazaar Street,
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