



W.P.Nos.9393, 9436 and 10570 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.Nos.9393, 9436 and 10570 of 2021

and

W.M.P. No.9984 of 2021 in W.P. No.9393 of 2021

and

W.M.P. No.10024 of 2021 in W.P. No.9436 of 2021

and

W.M.P. No.11158 of 2021 in W.P. No.10570 of 2021

E.Manoharan

... Petitioner in
W.P. No.9393 of 2021

1.A.Natarajan (deceased)

2.N.Renuga

3.N.Saravanan

4.Minor N.Vignesh rep. By
his mother N.Renuga

... Petitioners in
W.P. No.9436 of 2021

(petitioners 2 to 4 substituted
as LRs of the deceased A.Natarajan
vide order dated 01.07.2025 made in
W.M.P. No.16736 of 2023 in
W.P.No.9436 of 2021)



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1.A.Perumal (deceased)
2.P.Baskar
3.P.Sathish

... Petitioners in
W.P. No.10570 of 2021

(petitioners 2 and 3 substituted
as LRs of the deceased A.Perumal
vide order dated 01.07.2025 made in
W.M.P. No.14322 of 2023 in
W.P.No.10570 of 2021)

Vs.

1.District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.Tahsildar,
Arani Taluk,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Arani – 632 301.

4.The Commissioner,
Arani Municipality,
Arani Municipal Office,
Arani – 632 301.

... Respondents in
W.P. No.9393 of 2021

The Commissioner,
Arani Taluk,
Thiruvannamalai District.

... Respondent in



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**W.P. Nos.9436 and
10570 of 2021**

Prayer in W.P.No.9393 of 2021: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the proceedings of the fourth respondent passed in Na.Ka.No.F1 dated 15.02.2021 and quash the same and further direct the third respondent herein to consider the petitioner's representation dated 18.03.2021 before taking any further action.

Prayer in W.P.Nos.9436 and 10570 of 2021: Writ Petitions filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records of the respondent passed in Na.Ka.No.F1 dated 15.02.2021 under Sections 142, 173, 180A, 182, 183, 186 and 313 of Tamil Nadu District Municipalities Act, 1920 and quash the same.

For Petitioner : Mr.M.Selvam
in all WPs

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3 in W.P.No.9393 of 2021
Mr.L.P.Maurya
for Respondent
in W.P. Nos.9436 and 10570 of 2021



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COMMON ORDER

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

This common order will now dispose of captioned three main 'Writ Petitions' (hereinafter 'WPs' in plural and 'WP' in singular for the sake of brevity) and captioned three 'Writ Miscellaneous Petitions' (hereinafter 'WMPs' in plural and 'WMP' in singular for the sake of brevity) thereat.

2. Mr.M.Selvam, learned counsel for writ petitioners in the three main WPs is before us on VC (video conferencing) platform, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 to R3 in W.P.No.9393 of 2021 and Mr.L.P.Maurya, learned counsel for sole respondent in W.P.Nos.9436 and 10570 of 2021 are before us in physical Court (to be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court). With the consent of learned counsel on both sides, captioned main WPs were taken up for disposal.



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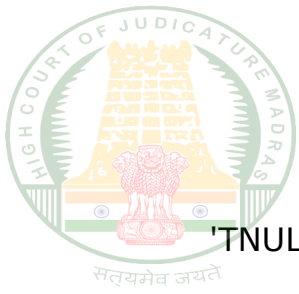
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3. In all three captioned WPs, 'identical notices purportedly under Sections 142, 173, 180A, 182, 183, 186 and 313 of 'The Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920)' {hereinafter 'Municipalities Act' for the sake of convenience and clarity} all signed by Commissioner, Arani Municipality on 15.02.2021' (hereinafter 'impugned notices' collectively) have been assailed.

4. In and vide impugned notices, writ petitioners/noticeses have been called upon to remove alleged encroachment.

5. Both sides submit that the alleged encroachments have since been removed. This common submission made by both sides is recorded. This by itself is good enough to give a closure to the captioned three main WPs and captioned three WMPs thereat.

6. Nonetheless, learned counsel for writ petitioners submits that the writ petitioners have been removed without being given an opportunity. Therefore, we deem it appropriate to write that The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' [hereinafter



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'TNULB Act' for the sake of brevity] kicked in on and from 13.04.2023;

that in and vide Section 200(1)(b) of TNULB Act, Municipalities Act stood repealed but in and vide Section 200(3)(e) of TNULB Act, all action taken by local bodies under Municipalities Act stand preserved. This means that if the alleged encroachments had not been removed, the impugned notices would have been directed to have been treated as show cause notices under Section 128(1)(b) of TNULB Act which means that the writ petitioners would have been given an opportunity. In this view of the matter, as regards the submission of learned counsel for writ petitioners that the writ petitioners have been removed without being given an opportunity, we preserve all the rights and contentions (if any) of the writ petitioners to seek appropriate remedy in appropriate fora. If such a course is adopted by writ petitioners, this order will neither impede nor serve as an impetus.

7. Captioned WPs and WMPs thereat are disposed of as closed *albeit* with preservation of rights of writ petitioners in the aforesaid manner. There shall be no order as to costs.



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(M.S.,J.) (H.C.,J.)
19.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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