



W.P.No.26127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10.12.2025**

C O R A M

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**  
**AND**

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.No.26127 of 2023 and**  
**W.M.P.No.25520 of 2023**

A.Vasanthi

... Petitioner

-VS-

1. The District Collector,  
Namakkal District,  
Namakkal.

2. The Municipality Commissioner,  
Kumarapalayam Municipality,  
Kumarapalayam,  
Namakkal.

3. Matheswaran

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 herein to take action against 3<sup>rd</sup> respondent in respect of the illegal construction put up by the 3<sup>rd</sup> respondent in the encroached land at Survey No.164, Block 9 Ward B, Kambar Street belonging to the 2<sup>nd</sup> respondent Municipality.

For Petitioner : Mr.M.Santhanaraman

For R1 : Mr.T. Arun Kumar  
Addl. Govt. Pleader

For R2 : Mr.E.Vijay Anand

For R3 : Mr.R.Marudhachalamurthy

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## **ORDER**

(By.S.M.SUBRAMANIAM,J.,)

Writ of Mandamus has been instituted to direct the respondents 1 and 2 herein to take action against 3<sup>rd</sup> respondent in respect of the illegal construction put up by the 3<sup>rd</sup> respondent in the encroached land at Survey No.164, Block 9 Ward B, Kambar Street belonging to the 2<sup>nd</sup> respondent Municipality.

2. Learned counsel for the petitioner would submit that despite identification of encroachments, no enforcement action had been taken, which resulted in institution of writ proceedings.

3. Learned counsel for the 3<sup>rd</sup> respondent would oppose, by stating that he is the owner of the land and patta has been granted in his favour. He is ready and willing to submit all relevant documents before the competent authorities.

4. Mr.C.Ramesh, Commissioner, Kumarapalayam Municipality is present before this Court, pursuant to the orders of this Court and submitted that initially, notice was served under old Act and subsequently, revised show cause notice under Section 128 of the Urban Local Bodies



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Act, 1998 had been issued to encroachers. Authorities have conducted survey and identified encroachments. Therefore, all such encroachments will be removed by following procedures as contemplated under the Act.

5. It is needless to state that the enforcement action is to be completed, after affording an opportunity of hearing to the petitioner and documents, if any filed by encroachers are also to be looked into before taking a final decision for removal of unauthorized constructions / encroachments. 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.

With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S,J.) (C.K,J.)  
10.12.2025

Index: Yes / No  
Internet: Yes / No  
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**S.M.SUBRAMANIAM, J.**  
**AND**  
**C.KUMARAPPAN, J.**  
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To:

1. The District Collector,  
Namakkal District,  
Namakkal.
2. The Municipality Commissioner,  
Kumarapalayam Municipality,  
Kumarapalayam,  
Namakkal.

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