



W.P.No.13226 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

AND

THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.13226 of 2024

AND

W.M.P.No.14371 of 2023

Cheran Co-Operative House Building Society Ltd.
Rep. by its Secretary S.Leelavathi
Cheran Co-operative House Building Society Ltd.
B-2 (B) Cheran Nagar, Ganambiga Mills Post
Coimbatore 29

.. Petitioner

Vs.

1.The Commissioner
Coimbatore Corporation
Coimbatore

2.The Assistant Commissioner
Coimbatore Corporation (North Divisions)
Coimbatore

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of a writ of certiorarified mandamus calling for the records in respect of impugned proceedings dated 02.02.2024 in Na.Ka.No.4820/2023/MD2 quash the same and consequently forbearing the respondents from putting up



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any construction in the land reserved for common area of petitioner society in village S.No.340, 341/1, 341/2, 344, 347 & 348/1 of Thudiyalur Village within Registration District of Coimbatore and Sub Registration District of Perianayakanpalayam having extent of 29.9.

For petitioner : Mr.S.Kumaresan

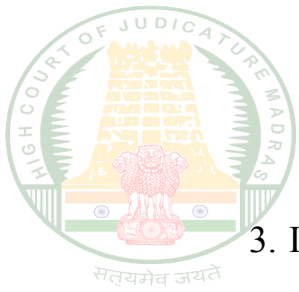
For respondents : Mr.Ferdinand
Standing Counsel

ORDER

(made by M.SUNDAR, J.)

Impugned order of R2 (Assistant Commissioner, Coimbatore Corporation) being order dated 02.02.2024 bearing reference Na.Ka.No. 4820/2023/MD2, alleges encroachment and puts the writ petitioner/noticee on notice that proceedings under Section 128 of The Tamil Nadu Urban Local Bodies Act, 2022 [hereinafter 'amended TNULB Act' for the sake of brevity], will be initiated.

2. Mr.S.Kumaresan, learned counsel for writ petitioner submits that the impugned order has been issued in a preconceived manner as it comes to the conclusion that there is encroachment.

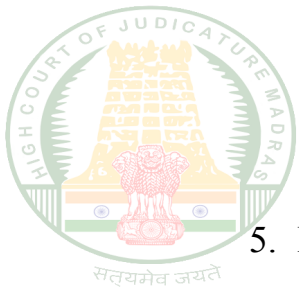


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3. In response to this argument, Mr.Ferdinand, learned Standing Counsel for Coimbatore Corporation, submits that notice under Section 128 of the amended TNULB Act will be issued by R1 (Commissioner, Coimbatore Corporation) *i.e.*, show cause notice (SCN). Writ petitioner will be showcaused, given an opportunity to represent and on writ petitioner responding to SCN, the same will be considered and orders will be made by R1 on its own merits and in accordance with law *vide* proviso to Section 128(1)(b) of amended TNULB Act (dehors the impugned order made by R2) is learned Standing Counsel's say. This, by itself, in our considered opinion, is good enough to give a closure to the captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] *i.e.*, recording the stated position of the learned Standing Counsel for Coimbatore Corporation will suffice to give a closure to the captioned main WP.

4. Though obvious, we make it clear that coercive action, if any and if that be so, will be subject to aforesaid SCN response of writ petitioner/noticee to SCN and orders to be made by R1 under proviso to Section 128(1)(b) of amended TNULB Act. If the orders made by R1 are adverse to the writ petitioner, the same shall be kept in abeyance for a fortnight to enable the writ petitioner to seek a judicial review.



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5. Learned counsel for writ petitioner submits that an Urban Health Centre has been put up. We express no opinion or view on this and all questions are left open.

6. Captioned WP stands disposed of on the aforesaid manner. In the light of our directive *qua* coercive action, captioned WMP thereat has become otiose and the same is disposed of as closed. There shall be no order as to costs.

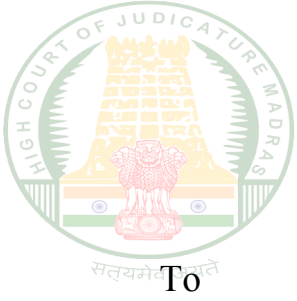
(M.S., J.) (H.C., J.)

15.07.2025

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Index : Yes/No

Neutral Citation : Yes/No
gya



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To
WEB COPY

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M.SUNDAR, J.

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