



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.Nos.14089, 14092, 14098 and 14100 of 2024

&

W.M.P.Nos.15271, 15273, 15278, 15279, 15284, 15285, 15288 & 15290 of 2024

Chandiran ... Petitioner in W.P.No.14089/2024

Kumaravel ... Petitioner in W.P.No.14092/2024

Navamani ... Petitioner in W.P.No.14098/2024

Nagarajan ... Petitioner in W.P.No.14100/2024

Vs.

The Commissioner
Mettur Municipality
Mettur Dam – 636 401
Salem District

... Respondent in all Writ Petitions

Writ Petition No.14089 of 2024 : Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified



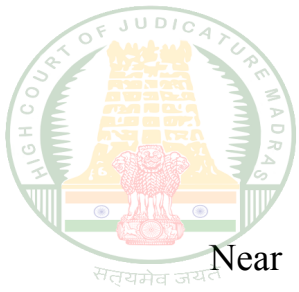
WEB COPY

Mandamus calling for the records relating to the impugned notice of the respondent in Na.Ka.No.1127/2020/F1 dated 06.05.2024 and quash the same and direct the respondent Municipality not to proceed for evicting the petitioner from the premises which is situated at Bunk Shop No.4, Near LGM Quarters, West main Road, Mettur Dam – 636 401, Mettur Taluk, Salem District.

Writ Petition No.14092 of 2024 : Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice of the respondent in Na.Ka.No.1127/2020/F1 dated 06.05.2024 and quash the same and direct the respondent Municipality not to proceed for evicting the petitioner from the shop which is situated at Bunk Shop No.23, Near State Bank, West main Road, Mettur Dam – 636 401, Mettur Taluk, Salem District.

Writ Petition No.14098 of 2024 : Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice of the respondent in Na.Ka.No.1127/2020/F1 dated 06.05.2024 and quash the same and direct the respondent Municipality not to proceed for evicting the petitioner from the premises which is situated at Bunk Shop No.9, Near Daily Market, West main Road, Mettur Dam – 636 401, Mettur Taluk, Salem District.

Writ Petition No.14100 of 2024 : Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice of the respondent in Na.Ka.No.1127/2020/F1 dated 06.05.2024 and quash the same and direct the respondent Municipality not to proceed for evicting the petitioner from the premises which is situated at Bunk Shop No.8,



Near Mini Super Market, West main Road, Mettur Dam – 636 401,
Mettur Taluk, Salem District.

For Petitioner : Mr.M.Senthilkumar
in all WPs

For Respondent : Mr.L.P.Maurya
Standing Counsel
in all WPs

COMMON ORDER

[Order of the Court was made by **HEMANT CHANDANGOUDAR, J.,**]

1. The captioned writ petitions are filed challenging the order dated 06.05.2024 issued by the respondent under Section 128 of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' [in short 'the Act']. The petitioners were earlier issued with an order under Section 128 of TNULB Act prompting the petitioners to approach this Court by way of W.P.Nos.7476, 7480, 7483, 7488 & 7493 of 2024. Another Bench, vide order dated 21.03.2024, directed that the impugned notices therein be treated as show cause notices, preserving the petitioner's right



WEB COPY

to submit their replies to the said show cause notices within a period of 15 days.

2. Following the order passed by this Court, petitioners have submitted representations dated 27.03.2024 to the show-cause notices issued by the respondent. Thereafter, the impugned order has been passed by the respondent calling upon the petitioner to remove encroachment in relation to lands situated at T.S.No.115, Ward A, Block 46 [W.P.No.14089 of 2024], T.S.No.1, Ward A, Block 43 [W.P.No.14092 of 2024], T.S.No.115, Ward A, Block 46 [W.P.No.14098 of 2024] and T.S.No.87, Ward A, Block 59 [W.P.No.14100 of 2024] located on the eastern side of Mettur Road, which is classified as "Government Poramboke" in TSLR Register.

3. The learned counsel for the petitioners submitted that the impugned order has been passed without adverting to or dealing with the representations submitted by the petitioners and therefore, the said order



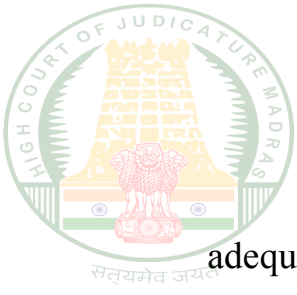
is not in conformity with Section 128 of the Act.

WEB COPY

4. In response, the learned Standing counsel for the respondent submitted that the subject land is a street, which falls within the municipal limits and therefore, the writ petitioners having encroached upon the public street, the impugned orders passed by the respondent is in conformity with Section 128 (1)(b) of the Act.

5. The arguments of the learned counsel for the parties are duly considered.

6. Pursuant to the order passed by this Court, the petitioners submitted representations in response to the show-cause notices issued by the respondent Municipality. A perusal of the impugned orders reveals that while there is a mere reference to the submission of such representations, the respondent Municipality has failed to advert to or



adequately deal with the specific contents and objections raised therein.

WEB COPY

This omission is in contravention of the proviso to Section 128(1)(b) of The Tamil Nadu Urban Local Bodies Act, 1998, which mandates that the authority shall consider any representation made by the affected party before passing an order directing removal of encroachment.

7. The requirement of a reasoned or “speaking” order is a fundamental tenet of administrative law and ensures compliance with the principles of natural justice. In the absence of any meaningful consideration or discussion of the representations submitted by the petitioners, the impugned orders suffer from non-application of mind and fall short of the statutory mandate. Accordingly, the impugned orders are not sustainable in law and are liable to be set aside on this ground alone.

8. In the result, this writ petitions are allowed and the impugned orders passed by the respondent Municipality is set aside. The respondent Municipality is directed to pass appropriate orders after



WEB COPY

considering the representations submitted by the petitioners on merits

and in accordance with law. The said exercise shall be completed within

a period of four weeks from today i.e., on or before 22.07.2025.

Consequently, the connected miscellaneous petitions are closed. There

shall be no order as to costs.

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

24.06.2025

Index : Yes / No

Neutral Citation : Yes / No

gpa

To

The Commissioner

Mettur Municipality

Mettur Dam – 636 401

Salem District



WEB COPY



M.SUNDAR, J.,

and

HEMANT CHANDANGOUDAR, J.,

gpa

W.P.Nos.14089, 14092, 14098 and 14100 of 2024

24.06.2025