



W.P.No.14014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

WEB COPY

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

AND

THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.14014 of 2024

AND

W.M.P.No.15198 of 2024

1.Rajan

2.Govindammal

.. Petitioners

vs.

1.The Tahdsildar

Mettur Taluk

Mettur Dam

Salem District

2.The Executive Officer

Jalagandapuram Selection Grade Town Panchayat

Jalagandapuram, Salem District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issue of a writ of certiorari to call for the records relating to
the impugned eviction notice issued in Na.Ka.No.53/2024 dated
14.05.2024 on the file of the 2nd respondent (served on 17.05.2024)
quash the same.



WEB COPY



W.P.No.14014 of 2024

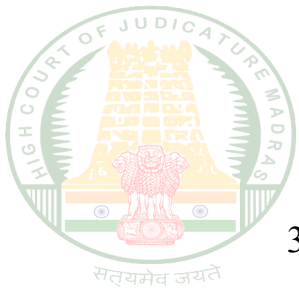
For petitioner	Mr. V. Elangovan
For R1	Mr. M.S. Arasakumar Government Advocate
For R2	Mr. S. Prabhakar Government Advocate

ORDER

(made by M.SUNDAR, J.)

In the captioned 'writ petition' [hereinafter 'WP' for the sake of brevity], Mr. V. Elangovan, learned counsel for writ petitioners, Mr.M.S.Arasakumar, learned Government Advocate for R1 and Mr.S.Prabhakaran, learned Government Advocate for R2, are before this Court.

2. The legal drill at hand is fairly simple as a 'letter dated 14.05.2024 issued by R2 (Special Officer)' [hereinafter 'impugned letter' for the sake of convenience and clarity] has been called in question on the short point that the impugned letter directing the writ petitioners to remove the alleged encroachment has been issued without show causing the writ petitioners.



W.P.No.14014 of 2024

WEB COPY

3. Learned State counsel for R2, in his usual fairness, admits that the impugned letter does not even specify the name of the statute under which the impugned letter has been issued and hence, the impugned letter may be treated as a show cause notice (SCN) issued under Section 128(1)(b) of 'The Tamil Nadu Urban Local Bodies Act, 1998, (Tamil Nadu Act 9 of 1999)' [hereinafter 'the TNULB Act' for the sake of brevity].

4. Recording the aforesaid submission of the learned State counsel for R2, we make the following order:

(i) Impugned letter is not set aside but the same shall now be treated as an SCN under Section 128(1)(b) of the TNULB Act;

(ii) The SCN under Section 128(1)(b) of TNULB Act shall be construed to have been served on the writ petitioners today (19.06.2025);

(iii) The above means that the writ petitioners/noticees can send a response/ representation to SCN within fifteen days from today *i.e.*, on or before 04.07.2025;



WEB COPY



W.P.No.14014 of 2024

(iv) On writ petitioners sending such a response/representation within the aforementioned timeline, R2 shall pass 'final orders' *vide* proviso to Section 128(1)(b) of the TNULB Act and serve the same on the writ petitioners within five working days from the date of final orders;

(v) If the final orders to be passed by R2 end up in favour of the writ petitioners, that would be curtains on the matter;

(vi) If it happens to the contrary, in other words, if the final orders to be passed by R2 are going to be adverse to the writ petitioners, the same shall be kept in abeyance for a fortnight from the date of service of the final orders on the writ petitioners so as to provide a window to the writ petitioners to assail the final orders if permissible in law or to seek judicial review of the said order;

(vii) If the writ petitioners do not take recourse to either of the aforesaid two options within a fortnight from the date of service of the final orders, the final orders so passed by R2 will be resuscitated and put into motion; and



W.P.No.14014 of 2024

WEB COPY

(viii) Though obvious, we make it clear that coercive action, if any, shall be subject to and depending on final orders to be made by R2 under proviso to Section 128(1)(b) of TNULB Act.

5. Captioned main WP stands disposed of in the aforesaid manner with the aforesaid observations and directives. As we have made it clear that coercive action, if any, shall be subject to and depending on 'final orders' of R2 under proviso to Section 128(1)(b) of the TNULB Act, captioned WMP becomes otiose and the same is closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
19.06.2025

Index : Yes/No
Neutral Citation : Yes/No
gya/cad



WEB COPY



W.P.No.14014 of 2024

M.SUNDAR, J.
AND
HEMANT CHANDANGOUDAR, J.
gya/cad

To

1.The Tahdsildar
Mettur Taluk
Mettur Dam
Salem District

2.The Executive Officer
Jalagandapuram Selection Grade Town Panchayat
Jalagandapuram, Salem District

W.P.No.14014 of 2024

19.06.2025