



W.P.No.26442 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.07.2025

CORAM:
THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.26442 of 2025

S.C. Mani

Petitioner

vs.

1. The District Collector
Sathuvachari
Vellore District
Vellore – 632 009
2. The Assistant Commissioner
Zone – 3
Vellore City Municipal Corporation
Vellore 632 001
3. Balasundara Vinayagar Temple
represented by its Administrator
Mrs. S. Rajeswari
Balasundara Vinagayar Koil Street
Kosapet
Vellore 632 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents 1 and 2
to remove the compound wall and encroachment made by the third
respondent on the public road situated on Government poramboke

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land in Survey No.128/1, Zone III, Bala Sundara Vinayagar Koil Street, Kosapet, Vellore, by considering the petitioner's representation dated 07.04.2025 within a time frame.

For petitioner	Mr. K. Sivasubramanian
For R1	Mr. K. Suresh Government Advocate
For R2	Mr. P.S. Prabu Standing Counsel

ORDER

[made by HEMANT CHANDANGOUDAR, J.]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing respondents 1 and 2 to remove the encroachment made by the third respondent on a public road situated on Government poramboke land in Survey No.128/1, Zone III, Bala Sundara Vinayagar Koil Street, Kosapet, Vellore (hereinafter referred to as the "said land" for the sake of convenience and clarity).

2. The petitioner submitted a representation dated 07.04.2025 to the official respondents requesting removal of the encroachment on the said land. The petitioner's grievance is that his representation has not been acted upon.

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3. Issue notice to the official respondents.

4. Mr. K. Suresh, learned Government Advocate, accepts notice on behalf of the first respondent, and Mr. P.S. Prabu, learned Standing Counsel, accepts notice on behalf of the second respondent.

5. Mr. P.S. Prabu, learned Standing Counsel for the second respondent, on instructions, submitted that a show cause notice under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 (hereinafter referred to as the "TNULB Act") was issued by the second respondent to the third respondent on 30.01.2025, calling upon the latter to remove the encroachment on the said land. He further submitted that since the third respondent did not respond to the said notice, a final notice dated 10.06.2025 bearing reference Na.Ka.No.1635/2024/F1 under the proviso to Section 128(1)(b) of the TNULB Act was issued, directing the third respondent to remove the encroachment within a fortnight. It is further submitted that, as on date, the third respondent has not removed the encroachment from the said land.



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6. On an earlier occasion, the petitioner had approached this Court (Single Bench) in W.P. No.22728 of 2015 seeking a direction to the first respondent to remove the encroachment made by the third respondent on the said land. This Court disposed of the said writ petition by order dated 28.07.2015, directing the first respondent to consider the petitioner's representation dated 23.03.2015 in accordance with law after giving notice to the third respondent. The failure of the first respondent to consider the representation as directed by this Court prompted the petitioner to file Contempt Petition No.2048 of 2016. The said contempt petition was closed by order dated 13.03.2017 based on the submission made by learned State Counsel that the encroachment on the said land had been removed by the third respondent.

7. In view of the issuance of the final notice under the proviso to Section 128(1)(b) of the TNULB Act by the second respondent, and in the absence of any order of restraint, the second respondent is obligated to take steps to remove the said encroachment. However, if



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an order of restraint is passed by any competent authority or Court, the second respondent shall await the outcome of such judicial proceedings, if initiated by the third respondent. In light of this, notice to the third respondent is dispensed with, while preserving all the rights and contentions available to the third respondent.

8. In view of the narrative set out above, this Writ Petition is disposed of by directing the second respondent to implement the final notice bearing reference Na.Ka.No.1635/2024/F1 dated 10.06.2025, within a period of fifteen (15) days from today, i.e., on or before 04.08.2025, subject to aforesaid observations. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
21.07.2025

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Internet : Yes

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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

To

1. The District Collector
Sathuvachari
Vellore District
Vellore – 632 009
2. The Assistant Commissioner
Zone – 3
Vellore City Municipal Corporation
Vellore 632 001

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