



WEB COPY

W.P.No.2370!



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR
AND
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUNDAR

W.P. No.23705 of 2025 and W.M.P.No.26678 of 2025

Velmurugan

Petitioner

vs.

The Executive Engineer
Zone 4
Greater Chennai Corporation
No.266 D.H. Road
Old Vannarapettai
Chennai 600 021

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondent from evicting or dispossessing the petitioner from the possession of land at First Street, Ammaniamman Thottam, Part 10, Ward No.40, Division – 4, Chennai 600 081.

For petitioner Mr. S. Arivazhagan
for Ms. R.S. Indira

For respondent Mr. A.C. Mani Bharathi
Sanding Counsel



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ORDER

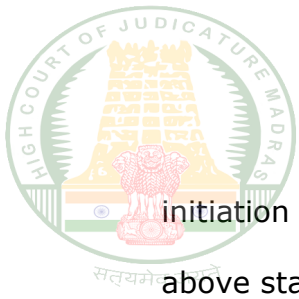
(made by HEMANT CHANDANGOUDAR, J.)

The present writ petition has been filed seeking issuance of a Writ of Mandamus forbearing the respondent Corporation from evicting or dispossessing the petitioner from the land situated at First Street, Ammaniyamman Thottam, Part 10, Ward No.40, Division – 4, Chennai – 600 081, without following due process of law.

2. The petitioner apprehends that pursuant to a notice dated 18.06.2025, issued by the respondent, steps are being taken to evict him from the subject property. It is the grievance of the petitioner that such eviction is sought to be effected without adhering to the statutory procedure prescribed under law. The petitioner further contends that in terms of Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999) [hereinafter referred to as “the TNULB Act”], the respondent is not legally empowered to effect eviction without following the mandatory requirements laid down therein.

3. Upon hearing the petitioner, notice was ordered to the respondent.

4. Mr. A.C. Mani Bharathi, learned Standing Counsel appearing for the Greater Chennai Corporation, accepts notice on behalf of the respondent and, on instructions, submits that the notice dated 18.06.2025 issued by the respondent shall not be acted upon as of now, and any further action proposed to be taken with respect to the subject land shall strictly follow due process of law, including the



initiation and completion of proceedings under Section 128 of the TNULB Act. The above statement made by the learned Standing Counsel is recorded and accepted.

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5. In view of the aforesaid submission made on behalf of the respondent, the impugned notice dated 18.06.2025 stands treated as withdrawn and no coercive action shall be taken against the petitioner based on the said notice. However, it is clarified that this shall not preclude the respondent Corporation from initiating appropriate proceedings in accordance with Section 128 of the TNULB Act, if so advised. Any action to be taken for removal of the alleged encroachment by the petitioner shall be strictly subject to the outcome of such proceedings.

6. Accordingly, the writ petition stands disposed of in the aforesaid manner, with liberty to the respondent to proceed in accordance with law. All rights and contentions of the parties are left open. Consequently, the connected miscellaneous petition seeking interim relief also stands closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
02.07.2025

cad

Index : Yes/No

NC : Yes/No



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M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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To

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