



W.P.No.24008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.24008 of 2025
and
W.M.P.No. 26999 of 2025 in W.P.No. 24008 of 2025

1.P.Anand,
Proprietor of Coffee Break,
S/o.N.Panneel Selvam,
B1-315, Manchester Grand Apartment,
M.G. Road, Avarampalayam,
Coimbatore – 641 006.

2.Kavitha Seerappan
3.S.Ponni
4.S.Karuna
5.T.Anitha

... Petitioners

Vs.

1.The District Collector,
Office of the District Collectorate,
Coimbatore.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore.

... Respondents



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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 order having reference Na.Ka.No. Special/2025/H1 dated 12.05.2025 passed by the 2nd respondent and quash the same and consequently direct the respondents not to interfere with the petitioners' peaceful possession and enjoyment of the property under the name and style of "Coffee Break" situated in S.F. Nos. 341 and 342, Sowripalayam Village, Ward No.28, North Zone, Coimbatore Corporation.

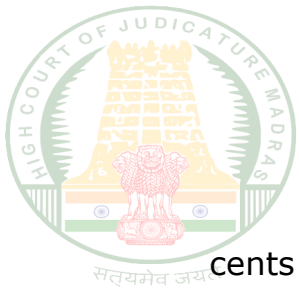
For Petitioners : Mr.R.Bharath Kumar

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1
Mr.N.Velmurugan,
Sanding Counsel for R2

ORDER

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

The challenge in the captioned main writ petition is to the order dated 12.05.2025, bearing reference Na.Ka.No.Special/2025/H1(N), passed by the second respondent, whereby the petitioner was directed to remove an alleged encroachment in the open space measuring 6.39

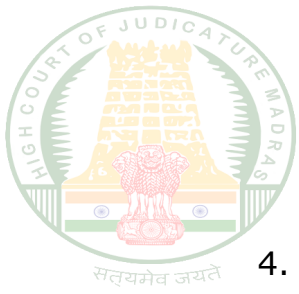


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cents (258.51 square metres) situated at Ward No.28, Souripalayam Village, Santhi Nagar approved layout.

2. On an earlier occasion, the petitioners were served with an order under Section 128(1)(b) of The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999) (hereinafter referred to as the "TNULB Act" for the sake of convenience and clarity). Challenging the said order, the petitioners filed W.P. No.12431 of 2025 before this Court. A Division Bench of this Court, by order dated 08.04.2025, quashed the earlier order passed under Section 128(1)(b) of the TNULB Act, observing that the representations submitted by the petitioners in response to the show-cause notice had not been duly considered.

3. The Division Bench further directed the second respondent to consider the petitioners' representations dated 14.01.2025 and 24.02.2025, and thereafter pass a reasoned order in accordance with the proviso to Section 128(1)(b) of the TNULB Act. Pursuant to this direction, the second respondent has now passed the impugned order dated 12.05.2025.



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4. Notice was ordered to the official respondents. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for R1, and Mr. N. Velmurugan, learned Standing Counsel, accepts notice for R2.

5. We have heard the learned counsel appearing on either side.

6. As noted above, this Court had categorically directed the second respondent to consider the representations submitted by the petitioners in detail and pass appropriate orders in terms of the proviso to Section 128(1)(b) of the TNULB Act. A perusal of the impugned order, though making reference to the petitioners' representations, discloses that the same has not been considered on merits. There is no discussion or application of mind to the specific grounds raised in the said representations. As such, the impugned order is neither a speaking order nor in compliance with the principles of natural justice.

7. The second respondent's failure to adhere to the specific direction issued by this Court in W.P. No.12431 of 2025 is a serious



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lapse. The learned Standing Counsel for the second respondent has expressed regret for the non-compliance and has assured that such a lapse will not recur in future. The regret expressed is recorded and accepted. This Court refrains from commenting on the conduct of the Commissioner of the Corporation at this stage.

8. In light of the foregoing discussion, we hold that the impugned order dated 12.05.2025 bearing reference Na.Ka.No.Special /2025/H1(N) is not in conformity with the proviso to Section 128(1)(b) of the TNULB Act and is therefore legally unsustainable.

9. Accordingly, the impugned order is hereby set aside. The writ petition is disposed of with the following directions;

- i. The second respondent is directed to consider afresh the petitioners' representations dated 14.01.2025 and 24.02.2025 and pass a reasoned order in accordance with the proviso to Section 128(1)(b) of the TNULB Act, as expeditiously as the business of the Corporation would permit, but in any event, not later than 28.08.2025.



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ii. The fresh order so passed shall be communicated to each of the petitioners under due acknowledgment within seven working days from the date of the order.

iii. It is made clear that no coercive action shall be initiated against the petitioners in relation to the alleged encroachment until orders are passed afresh by the second respondent as directed herein.

iv. In view of the above direction, the captioned miscellaneous petition becomes infructuous and is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
03.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

- 1.The District Collector,
Office of the District Collectorate,
Coimbatore.
- 2.The Commissioner,
Coimbatore Corporation,
Coimbatore.

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