



WEB COPY

WP No. 23878 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM:

THE HON'BLE MR.JUSTICE M. SUNDAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 23878 of 2025 and W.M.P.No.26893 of 2025

R.Kulasekar

Petitioner

Vs

The Commissioner
Coimbatore Corporation
Town Hall
Coimbatore - 641 001

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for records pertaining to the impugned notice dated 21.06.2025 under reference No. 21555/ 2010/ H1 / C, issued by the respondent and quash the same as illegal.

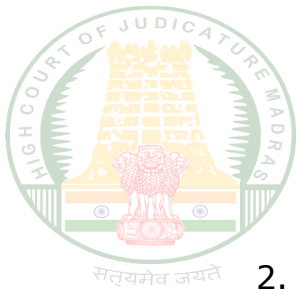
For petitioner Mr. A.E. Ravichandran

For respondent Mr. N. Velmurugan
Standing Counsel

ORDER

(made by M. SUNDAR, J.)

A prayer for issue of a writ of certiorari has been made in the captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] by assailing a 'notice dated 21.06.2025 bearing reference Na.Ka.No.21555/2010/H1/C issued by the lone respondent' [hereinafter 'impugned notice' for the sake of convenience and clarity].

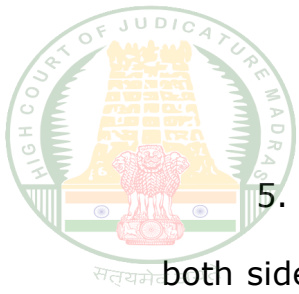


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2. Mr. A.E. Ravichandran, learned counsel for writ petitioner, advertg to the impugned notice, submits that it pertains to T.S.No.4928 (to be noted, T.S.No.4928 in Block 47, Survey Ward No.J(10), Balaji Layout situate in Ward No.48 in Coimbatore Corporation) and writ petitioner has nothing to do with regard to T.S.No.4928 but the noticees in the impugned notice are writ petitioner and his tenant. It is also submitted by learned counsel for writ petitioner that the caption to said notice says that it has been issued under Section 128 of 'the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity] but it does not show cause and on the contrary, it directly calls upon the noticees to remove the alleged encroachment within seven days.

3. Issue notice to respondent.

4. Mr. N. Velmurugan, learned Standing Counsel, accepts notice for the sole respondent and submits, on instructions that there is encroachment in T.S.No.4928 as a commercial establishment has been put up by encroaching upon 60 feet of Scheme Road and therefore, the impugned notice was issued.



5. After perusing the case file and hearing the learned counsel on both sides, this Court finds that the perimeter within which the captioned main WP has to perambulate is very limited and therefore, with the consent of learned counsel on both sides, captioned main WP was taken up and heard out.

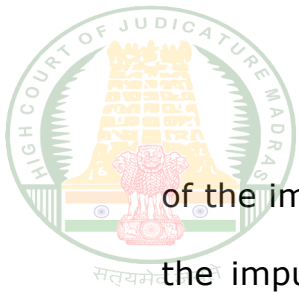
6. Notwithstanding myriad grounds in the writ affidavit, learned counsel for writ petitioner predicated his campaign against the impugned notice on two points, viz.,

a. that the writ petitioner has nothing to do with T.S.No.4928; and

b. the impugned notice is not a 'show cause notice' (SCN) though it has been issued under Section 128 of the TNULB Act.

7. As it is the emphatic stated position of the learned counsel for writ petitioner that writ petitioner has nothing to do with T.S.No.4928, in the light of the further submission of learned counsel for writ petitioner that he has no say as regards T.S.No.4928, we are of the considered view that it will suffice to record the stated position of learned counsel for writ petitioner as regards the first point.

8. This takes us to the second point wherein the impugned notice is not a SCN though it adverts to Section 128 of the TNULB Act which provides for 15 days SCN. This is clear as day light from a plain reading

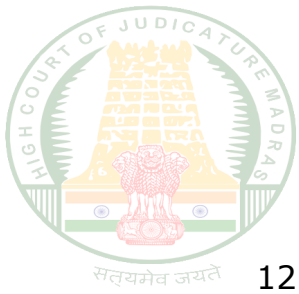


of the impugned notice and therefore, we have no hesitation in dislodging the impugned notice on this short point but we hasten to add that we preserve all the rights and contentions of the sole respondent to issue an SCN with regard to T.S.No.4928 to persons/notices, who, according to the respondents are alleged encroachers.

9. Before we write the operative portion of this order, we take judicial notice of the obtaining position that the writ petitioner has earlier filed two writ petitions, viz., W.P.No.5850 of 2025 [hereinafter 'I WP' for the sake of convenience and clarity] and W.P.No.19648 of 2025 [hereinafter 'II WP' for the sake of convenience and clarity] and the same are under consideration of this Court. This Court ferreted out the case status from the official e-Court website and it comes to light that I WP and II WP pertain to T.S. No.4853 (not T.S.No.4928).

10. This position is affirmed by learned counsel for writ petitioner who submits that the writ petitioner is concerned only with T.S.No.4853 in the aforesaid area of Coimbatore Corporation.

11. This Court is also informed that I and II WPs are listed before a Hon'ble Single Judge as per determination/roster that is operating. This makes it clear that I and II WPs will proceed on their own merits and in accordance with law untrammelled by the instant order.



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12. *Ergo*, the sequitur is, writ of certiorari is issued, captioned WP is allowed but with preservation of rights of the respondent and aforesaid observations. In this view of the matter, captioned writ miscellaneous petition has become otiose and the same is disposed of as closed. There shall be no order as to costs.

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

01-07-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes

cad

To

The Commissioner
Coimbatore Corporation
Town Hall
Coimbatore 641 001



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WP No. 23878 of 2



M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

W.P. No.23878 of 2025

01-07-2025