



W.P.No.32752 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.32752 of 2025

and

W.M.P. No.36666 of 2025 in W.P. No.32752 of 2025

C.Lakshmi

... Petitioner

Vs.

- 1.The Commissioner,
The Greater Chennai Corporation,
Ripon Building, Chennai.
- 2.The Regional Joint Commissioner,
The Greater Chennai Corporation,
Thiru Veeka Nagar, Near Poonga,
Shenoy Nagar, Chennai – 30.
- 3.The Zonal Officer,
Greater Chennai Corporation,
Zone 7, MTH Road,
Ambattur, Chennai – 53.
- 4.The Chief Engineer,
Greater Chennai Corporation,
Ambattur, Chennai – 53.
- 5.The Assistant Engineer,
Ambattur,
Greater Chennai Corporation,
Ward 81, Zone 7, Chennai.

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6.The District Collector,
Chennai Collectorate, Chennai.

7.The District Revenue Officer,
Chennai Collectorate, Chennai.

8.The Revenue Divisional Officer,
Ponneri.

9.The Tahsildar,
Taluk Office, Ambattur.

10.The Commissioner of Police,
Avadi Commissionerate, Avadi.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 to 5 or their men and agents from any manner interfering with the peaceful possession and enjoyment of the petitioner's property at S.No.638/1B2B2 and 638/1C1B bearing Municipal Door No.16/10, Kallikuppam 3rd Street, Ambattur, Chennai – 53 admeasuring 11 cents (4800 sq.ft.) except by due process of law.

For Petitioner : Mr.N.A.Nassir Hussain

For Respondents : Mr.E.C.Ramesh,
Standing Counsel for R1 to R5
Mr.T.K.Saravanan,
Additional Government Pleader
for R6 to R9
Mr.A.Raja Kumar,
Additional Public Prosecutor
for R10



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ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Subject matter of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is a property situate in S.No.638/1B2B2 and 638/1C1B bearing Municipal Door No.16/10, Kallikuppam 3rd Street, Ambattur, Chennai – 53 admeasuring 11 cents or thereabouts (4800 sqft or thereabouts) {hereinafter said property for the sake of brevity convenience and clarity).

2. Mr.N.A.Nassir Hussain, learned counsel on record for writ petitioner submits that said property belongs to writ petitioner, she having become the owner vide registered settlement deed dated 14.10.2021 bearing Document No.10078/2011 on the file of the jurisdictional Registrar office and the settlement deed having been executed by her mother. Learned counsel submits that writ petitioner's mother was assigned free house site patta by the Government under Ex-Service Men category and this part of land is hit by urban land ceiling.



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3. The grievance of the writ petitioner is that R5 [Assistant Engineer, Ambattur, Greater Chennai Corporation, Ward 81, Zone 7, Chennai] barged into said property on 10.07.2025 alleging that it is an encroachment, attempted to dispossess/demolish the same but the attempt was aborted and the writ petitioner continues to be in possession and enjoyment of said property but under imminent threat of dispossession/demolition, owing to the earlier action, learned counsel submits that writ petitioner was visited with a notice dated 18.11.2024 bearing reference Ma.A.7.Na.Ka.No.804/2024 issued by R3 [Zonal Officer, Greater Chennai Corporation, Zone 7, MTH Road, Ambattur, Chennai – 53], the same was assailed by writ petitioner by way of W.P. No.38700 of 2024. This Court directed 18.11.2024 notice to be treated as show cause notice, permitted the writ petitioner to respond, writ petitioner responded on 03.01.2025 *inter alia* raising the point that 18.11.2024 notice is without jurisdiction but without passing any orders on the same, writ petitioner has been put under pain of dispossession/demolition.

4. Issue notice.



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5. Mr.E.C.Ramesh, learned Standing Counsel for Greater Chennai Corporation (GCC) accepts notice for R1 to R5, Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R6 to R9 and Mr.A.Raja Kumar, learned Additional Public Prosecutor accepts notice for R10.

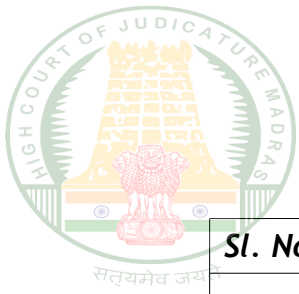
6. Learned State counsel i.e., Additional Government Pleader Mr.T.K.Saravanan and learned Standing Counsel for GCC submit that there were earlier proceedings but in any event, learned standing counsel, at the very outset very fairly submitted that 18.11.2024 notice issued by R3 is without jurisdiction as the power under Section 128 of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity] is vested only with the Commissioner and sought leave to withdraw 18.11.2024 notice but made a plea to preserve the rights of GCC to issue fresh notice, if so advised. This Court, while appreciating the fair stand taken by learned standing counsel for GCC, makes it clear that 18.11.2024 notice bearing reference Ma.A.7.Na.Ka.No.804/2024 issued by R3 now stands effaced.



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7. Before we proceed further, considering the number of earlier matters and orders that have been made by this Court, we deem it appropriate to capture the same by way of a tabulation for ease of reference for all concerned. The tabulation is as follows:

Sl. No.	Date	Event/Description	Remarks
1	20.03.2024	Order in W.P.No.6633 of 2020 by Hon'ble Division Bench	This writ petition was filed by Lakshmi with RoE (Removal of Encroachment) prayer seeking RoE in what according to writ petitioner is public land at Kallikuppam Road, 3 rd Lane, Venkatapuram, Ambattur, Chennai - 53. This writ petition was disposed of directing RoE action after giving opportunity to all concerned.
2	18.11.2024	R3 issued a notice to writ petitioner Lakshmi alleging encroachment and calling upon removal	
3	18.11.2024	R3 issued another separate notice to one B.Chandrasekar alleging encroachment and calling upon removal	
4	02.01.2025	Order of this Court in W.P.No.38700 of 2024	W.P.No.38700 of 2024 was filed by Lakshmi assailing 18.11.2024 notice and this Court disposed of the same inter alia directing 18.11.2024 notice to be



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Sl. No.	Date	Event/Description	Remarks
			treated as Show Cause Notice (SCN).
5	03.01.2025	Lakshmi's reply to 18.11.2024 notice	Lakshmi raised jurisdiction point saying R3 does not have jurisdiction to issue 18.11.2024 notice.
6	26.03.2025	Order in W.P.No.36153 of 2024	This writ petition was filed by B.Chandrasekar assailing 18.11.2024 notice issued to him. This writ petition was disposed of with a slew of directions vide paragraph 6 as alleged encroachment was by way of a temple. To be noted, Tamil Nadu Hindu Religious and Charitable Endowments Department was suo motu impleaded.
7	29.05.2025	Order of R7 (jurisdictional District Revenue Officer) pursuant to 26.03.2025 order in Chandrasekar's writ petition in W.P.No.36153 of 2024	In and vide this order, R7 has inter alia held that the temple does not cause hindrance to public and it is being administered by Tamil Nadu Hindu Religious and Charitable Endowments Department.

8. Reverting to the captioned WP at hand, the short point is 18.11.2024 notice issued to the writ petitioner was assailed by way of W.P.No.38700 of 2024, this Court made an order directing 18.11.2024 notice of R3 to be treated as SCN permitting writ petitioner Lakshmi to



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respond, Lakshmi responded vide 03.01.2025 reply raising jurisdiction point and the jurisdiction point now stands sustained in the light of fair stand taken by learned standing counsel for GCC.

9. The allegation of writ petitioner that R5 barged into writ petitioner's residence on 10.07.2025 and threatened to dispossess/demolish is denied by learned standing counsel for GCC but this turns on factual disputation. We express no opinion or view one way or the other on this. Another reason for not doing so is, it is not really necessary to embark upon such a legal drill as notice itself is now being dislodged and we propose to make an order on that basis, the details of which will be set out infra. In any event, even on a demurrer, there could not have been any action without passing orders on writ petitioner's reply dated 03.01.2025.

10. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:

*10.1 18.11.2024 notice bearing reference
Ma.A.7.Na.Ka.No.804/2024 issued by R3 to writ
petitioner Lakshmi stands effaced i.e., withdrawn without*



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expressing any view or opinion on the merits of the matter;

10.2 It is open to R1 (Commissioner, Greater Chennai Corporation, Chennai) or any other delegate of R1 to issue notice afresh by resorting to Section 128 of TNULB Act to writ petitioner, if so advised;

10.3 If the above course is adopted by R1 or a delegate of R1, all rights and contentions of writ petitioner are preserved to send a suitable reply;

10.4 If the above situation unfurls, R1 or his delegate will have to necessarily pass an order under proviso to Section 128(1)(b) of TNULB Act, serve the same under due acknowledgment on the writ petitioner and coercive action (if any and if that be so) can be only subject to such an order;

10.5 Proceedings dated 29.05.2025 bearing reference Na.Ka.No.J13/2903501/2025 made by R7 has



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not been tested in this WP. Rights and contentions of writ petitioner, B.Chandrasekar, at whose instance, order in W.P. No.36153 of 2024 was made and/or any other person concerned for that matter stand preserved for assailing this 29.05.2025 order of R7, if so advised and so desired. This order will neither impede nor serve as an impetus, if such a challenge is laid;

10.6 It is made clear that in this 29.05.2025 order, though writ petitioner Lakshmi was heard (to be noted, writ petitioner Lakshmi was R5 in W.P. No.36153 of 2024 filed by Chandrasekar and Lakshmi was represented by her counsel), the question as to whether Lakshmi is an encroacher has not been gone into. It will now be gone into if R1 chooses to issue notice afresh in the aforesaid manner. Obviously that will be untrammelled by the instant order;

10.7 In the light of roll back of 18.11.2024 notice of R3, we make it clear that this order will not impact the rights and contentions of Lakshmi, Chandrasekar and/or



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any other person concerned with this matter including State.

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11. Captioned WP is disposed of in the aforesaid manner. In the light of what we have written regarding coercive action (if any and if that be so), captioned Writ Miscellaneous Petition (WMP) thereat has become otiose and the same is disposed of as closed having become otiose. There shall be no order as to costs.

(M.S.,J.) (M.S.K.,J.)
09.09.2025

Index : Yes / No
Neutral Citation : Yes / No
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**M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,**
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