



WP No. 34778 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 34778 of 2025 AND

WMP Nos.38954 and 38955 OF 2025

1.B.Murugan

S/o. Balaraman, No. 4/297a, Ellatharasi Street,
Kamarajar Salai, Manjambakkam Chennai 60

2.S.Revathi

W/o. Shankar, No. 4/295 Ellatharasi Street,
Kamarajar Salai, Manjambakkam Chennai 60

3.D.Velu

S/o. Durai, No. 4/295a Ellatharasi Street,
Kamarajar Salai, Manjambakkam Chennai 60

..Petitioners

Vs

4.The Commissioner

The Greater Chennai Corporation, Rippon
Building Chennai 03.

5.The Executive Engineer

Division Ii, Manali, The Greater Chennai
Corporation, No.1, Kamarajar Salai,
Chennai 68.



WP No. 34778 of 2025

6.The Assistant Executive Engineer / U-5
The Greater Chennai Corporation, No. 3573
TNHB Layout 2nd Main Road Mathur Chennai 68

7.The Assistant Engineer
Division 19, The Greater Chennai Corporation,
No. 3573 Tnhb Layout 2nd Main Road Mathur
Chennai 68

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land and residential house at Nos. 4/297A , 4/295 and 4/295 A, Ellatharasi Street, Kamarajar Salai, Manjambakkam Chennai 60 in Survey No. 93, and further direct the respondent not to take any coercive steps in evicting the petitioners from their respective land and houses in survey No. 93, Manjambakkam Village Chennai 60.

For Petitioners : Mr.G.Palani

For Respondents : Mr.G.T.Subramanian
Standing Counsel

ORDER

(Order of the Court was made by R.Suresh Kumar J.)

With regard to the residential house at Nos. 4/297A , 4/295 and 4/295 A, Ellatharasi Street, Kamarajar Salai, Manjambakkam Chennai 600 060 in Survey No. 93, it is the claim of the respondent Corporation that the land belongs to them. However, it is the case of the petitioners that it is their own land.



WP No. 34778 of 2025

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2. Be that as it may. Since the land in question where the petitioners claim to have been in possession, is claimed by the respondent Corporation as if it is their land not only against the petitioner, but also some of the other respondents, who are neighbours of the petitioner, already proceedings have been initiated against those neighbours by issuing a notice under Section 128 of the Tamil Nadu Urban Local Bodies Act on 08.04.2025. However, such notice admittedly has not been served or issued on the petitioners.

3. However, on seeing the notice dated 08.04.2025 issued to the neighbours, the petitioners gave a reply on 15.07.2025. Despite that, it is the apprehension on the part of the petitioners that, without giving any notice under Section 128 of the said Act, coercive steps may be taken by the respondent Corporation to evict the petitioners. It is the claim of the petitioners that as an abundant caution, the present writ petition has been filed with the aforesaid prayer.

4. We have heard Mr.G.Palani learned counsel for the petitioner and Mr.G.T.Subramanian, learned Standing Counsel for the respondents.



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5. Learned Standing Counsel for the respondent Corporation would submit that, so far no notice under Section 128 of the Act has been issued insofar as the petitioners are concerned. However, for the notice issued to some of the neighbours of the petitioners dated 07.07.2025, a reply had been given by the petitioner on 15.07.2025, but based on such reply no final action would be taken in respect of the petitioners and if at all any action is to be taken by the respondents against the petitioners by invoking the provisions of the Act, show cause notice would be issued giving a time limit as contemplated under the Act for giving a reply and only thereafter, further course of action would be taken by the respondent Corporation.

6. In view of the stand taken by the learned Standing Counsel for the respondent Corporation, we are inclined to dispose of this writ petition with the following orders:

- (a) It is open to the respondent Corporation to give notice to the petitioners by invoking the provisions of Section 128 of the Act and if any such notice is issued, on receipt of the same it is further open to the petitioners also to give a reply and on receipt of such reply within the time limit stipulated in the



WP No. 34778 of 2025

notice, the respondent Corporation can act upon by passing a final order with regard to the claim made by the petitioners and thereupon whatever action permissible under law can be taken by the respondents.

(b)Till such time, no coercive steps shall be taken to evict the petitioners.

7. With the above directions, this writ petition is disposed of. No costs.

W.M.P.No.38954 of 2025 is ordered and W.M.P.No.38955 of 2025 is closed.

(R.S.K.,J.) (H.C.,J.)
26-09-2025

Index: Yes/No
Neutral Citation: Yes/No
KST



WP No. 34778 of 2025

To

1.The Commissioner

The Greater Chennai Corporation, Rippon
Building Chennai 03

2.The Executive Engineer

Division II, Manali, The Greater Chennai
Corporation, No.1, Kamarajar Salai,
Chennai 68

3.The Assistant Executive Engineer / U-5

The Greater Chennai Corporation, No. 3573
TNHBL layout 2nd Main Road Mathur Chennai 68

4.The Assistant Engineer

Division 19, The Greater Chennai Corporation,
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WP No. 34778 of 2025

**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

KST

WP No. 34778 of 2025

26-09-2025