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W.P. Nos.31009 , 31015, 31043 and 31045



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P. Nos.31009 , 31015, 31043 and 31045 of 2025

and

W.M.P. Nos.34741,34742,34747,34750,34787,34788,34789 & 34790/2025

Therasammal	Petitioner in W.P.No.31009 of 2025
Arul	Petitioner in W.P.No.31015 of 2025
Mary Stella	Petitioner in W.P.No.31043 of 2025
Ponnammal	Petitioner in W.P.No.31045 of 2025

vs.

1. The District Collector
Office of the District Collector
Ariyalur
Ariyalur District
 2. The Revenue Divisional Officer
Udayarpalayam
Ariyalur District
 3. The Executive Officer
Varadharajanpettai Town Panchayat
Ariyalur District
- Respondents in all four WPs



Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned orders passed by the third respondent in his proceedings in Na.Ka.No.339/2024 dated 04.07.2025 and quash the same and consequently, direct the third respondent to consider the petitioners' representations dated 30.06.2025.

For petitioner Mr. G. Anbu Chezhan
in all WPs for Mr. Josephraj

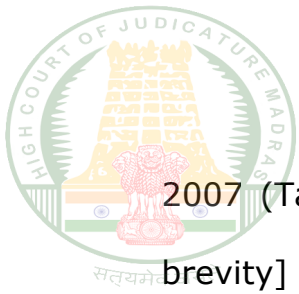
For respondents Mr. M.S. Arasakumar
in all WPs Government Advocate

COMMON ORDER

(made by M. SUNDAR, J.)

Mr. G. Anbu Chezhan, learned counsel representing Mr. Josephraj, learned counsel on record for all four writ petitioners, is before us.

2. Factual matrix in the captioned four matters is common. Facts in a nutshell are that the writ petitioners were visited with notices dated 08.01.2025 under 'the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'the TNULB Act' for the sake of brevity, convenience and clarity] besides notices dated 20.03.2025 and 23.04.2025 under 'the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act,



2007 (Tamil Nadu Act 8 of 2007)' [hereinafter 'Tanks Act' for the sake of brevity] and 'Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007' [hereinafter 'Tanks Rules' for the sake of brevity]; that assailing these notices, four writ petitioners before us in the captioned matters, came to this Court earlier by way of four writ petitions, viz., W.P. Nos.21384, 21392, 21395 and 21400 of 2025 and these four writ petitions came to be disposed of by this very Division Bench in and by a common order dated 17.06.2025 and the operative portion of this common order is as follows:

'14. The following order is made:

- i. Since, concededly, the proviso to Section 128(1)(b) of the TNULB Act, has not been complied with, the two impugned notices dated 08.01.2025 are now directed to be treated as show cause notices (SCNs) served on the writ petitioners today (17.06.2025);
- ii. Noticee/writ petitioners (if so advised and if so desired) shall send representations within 15 days from today, i.e., on or before 02.07.2025;
- iii. As regards notices dated 20.03.2025 and 23.04.2025 issued in Form III of the Tanks Rules, the same also shall be treated as SCNs *vide* **T.K. Shanmugam** principle and the writ petitioners will have 15 days time to respond to the same. In other words, the writ petitioners shall send their response on or before 02.07.2025, if so advised and so desired;
- iv. If the writ petitioners/noticees do not send representations within aforesaid timeline, it is open to the respondents/appropriate authority to proceed (post 02.07.2025) *qua* removal of immovable structures which are subject matter of impugned notices;
- v. If the writ petitioners/noticees send representations within aforesaid timeline, the same shall be considered and final orders shall be made by R1 (Executive Officer) as per proviso to Section 128(1)(b) of the TNULB Act/appropriate authority *vide* **T.K. Shanmugam** principle, as the case may be;



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- vi. The final orders so passed shall be served on the writ petitioners/noticees within five working days from the date of the final orders;
- vii. If the final orders so passed by R1/appropriate authority end up in favour of the writ petitioners, that would be curtains on the matter;
- viii. If it happens to the contrary, in other words, if the final orders so passed by R1/appropriate authority, are going to be adverse to the writ petitioners, the same shall be kept in abeyance for a fortnight from the date of service of the final orders on the writ petitioners so as to provide a window to the writ petitioners to assail the said orders if permissible in law or to seek judicial review of the said order;
- ix. If the writ petitioners do not take recourse to either of the aforesaid two options within a fortnight from the date of service of the final orders, the final orders so passed by R1/appropriate authority, will be resuscitated and put into motion; and
- x. Though obvious, we make it clear that any coercive action will be subject to / depending on final orders to be made by R1 *vide* proviso to Section 128(1)(b) of the TNULB Act/appropriate authority *vide* **T.K.Shanmugam** principle. We also make it clear that we have not expressed any view or opinion on the merits of the matter and therefore, R1/appropriate authority, while passing final orders, shall do so untrammelled by the observations made in this order.'

3. Adverting to the aforereferred earlier order of this Division Bench, more particularly, the operative portion thereat extracted above, learned counsel for writ petitioners submits that post earlier order, the writ petitioners have addressed detailed representations (identical representations), all dated 30.06.2025 but without considering the averments in the writ petitioners' representations, impugned orders have been made by third respondent. To be noted, by the expression 'impugned



orders', we refer to four identical orders, all four dated 04.07.2025, all four bearing reference no.339/2024 and all four issued by third respondent (Executive Officer).

4. Issue notice to respondents.

5. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for all three respondents and very fairly submits that though the impugned orders make a reference to writ petitioners' aforementioned representations dated 30.06.2025, the contents thereat have neither been adverted to nor discussed. Learned State counsel submits that if the matter is sent back to third respondent, the third respondent will have a re-look at the same in the light of writ petitioners' representations dated 30.06.2025 and make orders. We accede to this fair request.

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

- i. Impugned orders are dislodged/set aside without expression of any opinion or view on the merits of the matter;



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- ii. Impugned orders of third respondent have been set aside for the limited purpose of third respondent to do the Section 128(1)(b) proviso drill *de novo*;
- iii. The third respondent shall now consider the writ petitioners' representations dated 30.06.2025 and make orders under proviso to Section 128(1)(b) of the TNULB Act as expeditiously as the official business of third respondent permits but in any event within six weeks from today *i.e.*, on or before 01.10.2025;
- iv. Orders thus made by third respondent shall be duly served on each of the writ petitioners under due acknowledgment;
- v. Coercive action, if any and if that be so, will be subject to and depending on the orders to be made by third respondent in the aforesaid manner.



7. *Ergo*, the sequitur is, all four captioned writ petitions are disposed of as closed in the aforesaid manner, albeit with aforementioned observations and directives. In the light of what we have written *supra* regarding coercive action, captioned eight writ miscellaneous petitions thereat become otiose and the same are disposed of as closed having become otiose. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
20.08.2025

cad
Index : Yes/No
NC : Yes/No



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and

HEMANT CHANDANGOUDAR, J.

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