



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

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CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P. Nos.31814 & 31820 of 2025

and

W.M.P. Nos.35624, 35627, 35628 and 35629 of 2025

Waheeda

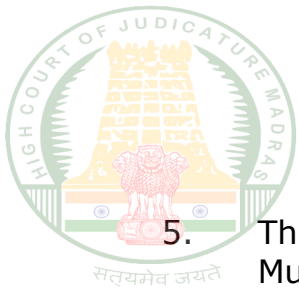
Petitioner in WP No.31814 of 2025

Ilakiyaselvi

Petitioner in WP No.31820 of 2025

vs.

1. The District Collector
Ariyalur District
Collectorate
Ariyalur 621 704
2. The Revenue Divisional Officer
Udayarpalayam Division
Revenue Divisional Office
Jayankondam
Ariyalur District 621 802
3. The Tahsildar
Udayarpalayam Taluk
Taluk Office
Jayankondam
Ariyalur District – 621 802
4. The Commissioner
Jayankondam Municipality
Jayankondam
Udayarpalayam Taluk
Ariyalur District 621 802



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5. The President
Muslim Sunnath Jamaath
Allahkavil Street
Jayanmondam Municipality
Udayarpalayam Taluk
Ariyalur District

6. Kamal @ Kamalludin

7. Sarputheen

8. Akbar Ali Respondents in both WPs.

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the fourth respondent in his proceedings bearing Na.Ka.No.1171/2025/F1 dated 05.08.2025 issued by the fourth respondent and quash the same.

For petitioner in Mr. G. Ilamurugu
both WPs

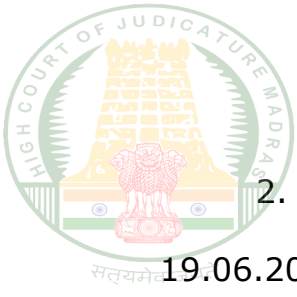
For RR 1 to 3 in Mr. T.K. Saravanan
both WPs Addl. Govt. Pleader

For R4 in Mr. C. Selvaraj
both WPs Addl. Govt. Pleader

COMMON ORDER

(made by M. SUNDAR, J.)

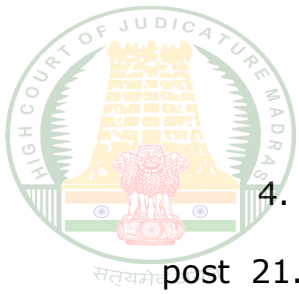
Captioned two main 'writ petitions' [hereinafter 'WPs' for the sake of brevity] constitute second round of litigation in this Court.



2. Writ petitioners were earlier visited with notices dated 19.06.2025 calling upon them to remove encroachment from public place.

These notices were assailed by writ petitioners in this Court by way of W.P.Nos.24693 of 2025 and 24699 of 2025. These two writ petitions, along with writ miscellaneous petitions thereat, were dismissed by this Division Bench by two separate orders, both dated 08.07.2025, in and by which, this Bench made it clear that 19.06.2025 notices shall be treated as 'show cause notices' (SCNs), writ petitioners can respond on or before 22.07.2025 and if the writ petitioners respond, fourth respondent (Commissioner) shall make 'final orders' under proviso to Section 128(1)(b) of 'the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'the TNULB Act' for the sake of convenience and clarity], after considering writ petitioners' responses which shall be 'any representation' within the meaning of proviso to Section 128(1)(b). It was made clear that it was open to the private respondents also to make representations and if such representations are made, the same shall also be considered by fourth respondent before making 'final orders'.

3. Writ petitioners sent identical responses dated 21.07.2025 *inter alia* contending that an error has occurred in UDR records. We express no view or opinion on this as captioned WPs turn on a very short point.

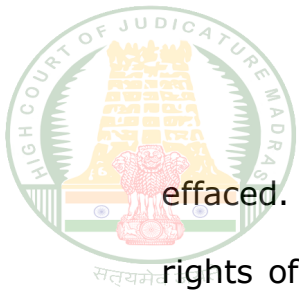


4. This Court observes that captioned WPs turn on a short point as post 21.07.2025 representations from writ petitioners, fourth respondent has made two separate orders, both dated 05.08.2025 and both bearing reference Na.Ka.No.1171/2025/F1, one addressed to writ petitioner in W.P.No.31814 of 2025 (Waheeda) and the other addressed to writ petitioner in W.P.No.31820 of 2025 (Ilakiyaselvi). To be noted, these two separate orders will henceforth be referred to as 'impugned orders'. In the impugned orders, there is no whisper about 21.07.2025 representations of writ petitioners, much less, of the same having been 'considered' within the meaning of proviso to Section 128(1)(b) of the TNULB Act.

5. Issue notice to official respondents (respondents 1 to 4).

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 to 3 and Mr. C. Selvaraj, learned Additional Government Pleader, accepts notice for fourth respondent.

7. Mr. T.K. Saravanan, learned State counsel, very fairly submits, on instructions, that there will be a roll back *qua* impugned orders. In other words, impugned orders will stand withdrawn is learned State counsel's say. This submission is recorded and on this basis, impugned orders stand



effaced. However, learned State counsel makes a plea to preserve all the rights of State, more particularly, fourth respondent, to issue orders afresh after considering writ petitioners' representations dated 21.07.2025 and/or 'any other' representation from private respondents (if any). This request is acceded to.

8. In the light of the fair stand taken by learned State counsel, the legal drill at hand has become fairly simple and therefore, captioned main WPs were taken up with the consent of learned counsel for writ petitioners and learned State counsel.

9. Before we write the operative portion of this common order, we make it clear that all the rights and contentions of private respondents (respondents 5 to 8) remain preserved in all aspects. We also make it clear that this common order will not impact the rights of the private respondents (respondents 5 to 8) and hence, there is no impediment in dispensing with notice to private respondents (respondents 5 to 8) and taking up the captioned main WPs in the Admission Board itself with the consent of learned counsel for writ petitioners and learned State counsel. It is also made clear that our observation in the earlier judicial order dated 08.07.2025 that private respondents can also send representations stands. As the records are



not before us to demonstrate whether the private respondents (respondents 5 to 8) have sent representations or not, if private respondents (respondents 5 to 8) have sent representations, the same shall also be considered before 'final orders' are made afresh by fourth respondent under proviso to Section 128(1)(b).

10. Captioned two main WPs stand disposed of in the aforesaid manner. As impugned orders stand effaced in the light of the fair stand taken by learned State counsel, captioned writ miscellaneous petitions have become otiose and the same are disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
21.08.2025

cad
Index : Yes/No
NC : Yes/No



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M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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