



W.P.No.33775 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM

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

and

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

W.P.No.33775 of 2025

and

W.M.P. No.37906 of 2025 in W.P. No.33775 of 2025

CSI St. Paul Church
rep. by its Presbyter,
CMC Colony, Sathuvachari,
Vellore - 630 009.

... Petitioner

Vs.

1.The District Collector,
Collectorate, Vellore,
Vellore District - 632 009.

2.The Commissioner,
Vellore Corporation,
Zone 2 Phase 2,
Sathuvachari, Vellore -632 009.

3.The Tahsildar,
Vellore District,
Vellore - 632 001.

4.T.Sathyanarayanan

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the records in connection

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with the impugned notice in Na.Ka.No.1842/2025/F1 dated 21.08.2025 issued by the second respondent and quash the same.

For Petitioner : Mr.D.Muthukumar
of M/s.Paul & Paul &
J.Hudson Samuel (Law Firm)

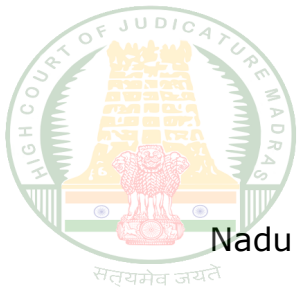
For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1 and R3
Mr.P.S.Prabu,
Standing Counsel for R2

ORDER

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

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity, convenience and clarity} has been filed seeking issue of a writ of certiorari assailing a notice dated 21.08.2025 bearing reference Na.Ka.No.1842/2025/F1 made by R2 [Commissioner, Vellore Corporation, Vellore]. This notice shall hereinafter be referred to as 'impugned notice' for the sake of brevity, convenience and clarity.

2. Mr.D.Muthukumar of M/s.Paul & Paul & J.Hudson Samuel (Law Firm), learned counsel for writ petitioner submits that the impugned notice refers to prior notice under Section 128(1)(b) of 'The Tamil



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Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity] being 'notice dated 11.06.2025 bearing reference Na.Ka.No.1842/2025/F1' {hereinafter 'SCN' for the sake of brevity, convenience and clarity}, writ petitioner has duly responded to the SCN by way of a detailed response dated 10.07.2025 but the impugned notice has been made by R2 by stating that writ petitioner has not responded to SCN and obviously, has not considered the writ petitioner's response. This is contra to the scheme and mechanism of Section 128(1)(b) of TNULB act is learned counsel's say.

3. Issue notice to official respondents.

4. Mr.M.S.Arasakumar, learned Government Advocate, accepts notice for R1 and R3 and Mr.P.S.Prabu, learned Standing Counsel accepts notice for R2.

5. Learned State counsel very fairly submits that considering the scheme and legal mechanism i.e., quasi-judicial exercise put in place by Section 128(1)(b) of TNULB Act, R2 should have considered the writ petitioner's response dated 10.07.2025 (response to 11.06.2025 SCN) and thereafter, made final orders one way or the other.

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6. In the light of the fair submission, we have no difficulty in dislodging the impugned order on the short point that it has not considered the writ petitioner's reply to SCN though the writ petitioner's reply to SCN has been cited as No.3 in the reference in the impugned order. However, we make it clear that it is open to R2 to consider the writ petitioner's response to SCN and make orders afresh which will be in accordance with proviso to Section 128(1)(b) of TNULB Act which refers to such orders as 'final orders'.

7. Be that as it may, as regards R4 (private respondent), R4 came to this Court earlier by way of W.P.No.10214 of 2025 with a 'Removal of Encroachment' {'RoE'} prayer arraying the writ petitioner before us in the captioned matter as R5. This writ petition came to be disposed of by another Hon'ble Division Bench in and by an order dated 25.04.2025 and a scanned reproduction of the same is as follows:



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WP No. 10214 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR JUSTICE K.RAJASEKAR

WP No. 10214 of 2025

1. T.Sathyanarayanan
S/o.M.Thiyagarajan, Res.At No.A10,
7th Cross Road, C.M.C.Colony,
Sathuvachari, Vellore-632 009

Petitioner(s)

Vs

1. The District Collector
Vellore District, Vellore-632009

2.The Tahsildar
Vellore District, Vellore-632 001

3.The Municipal Commissioner
Vellore Municipal Corporation, Zone-2,
Phase-2, Sathuvachari, Vellore-632 009

4.The Mayor
Vellore Municipal Corporation, Sathuvachari,
Vellore-632 009

5.CSI St.Paul Church
C.M.C.Colony, Sathuvachari,
Vellore-630 009



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WP No. 10214 of 2025



Respondent(s)

PRAYER

to direct the respondents to consider the representation of the petitioner dated 13.1.2025 and 30.01.2025

For Petitioner(s): Mr.K.Hari Shankar

For Respondent(s): Mr. E.Veda Bagath Singh,
Special Government Pleader
For RR.1 and 2
Mr. P.S. Prabhu,
Standing Counsel For R3
Not ready in notice For RR4 & 5

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Commissioner, Vellore City Municipal Corporation filed a status report with insufficient particulars. He has not even stated about the details regarding the unauthorized constructions and encroachments. The Commissioner has not verified with the 5th respondent whether building plan permission has been obtained or not.

2. It seems that there is no building plan permission and if so, enforcement actions are to be initiated and unauthorized constructions including



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WP No. 10214 of 2025



Church as per the petitioner is to be demolished by following the due procedures as contemplated under the Act and Rules. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

3. The writ petition stands disposed of accordingly. There shall be no order as to costs.

(S.MSUBRAMANIAM J.) (K.RAJASEKAR J.)
25-04-2025

ssi

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The District Collector

Vellore District, Vellore-632009

2.The Tahsildar

Vellore District, Vellore-632 001

3.The Municipal Commissioner

Vellore Municipal Corporation, Zone-2, Phase-2,

Sathuvachari, Vellore-632 009

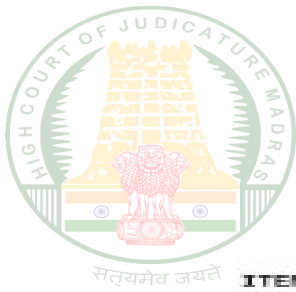
4.The Mayor, Vellore Municipal Corporation,

Sathuvachari, Vellore-632 009

5.CSI St.Paul Church,

C.M.C.Colony, Sathuvachari, Vellore-630 009

8. This 25.04.2025 order was carried to Hon'ble Supreme Court vide Special Leave Petition (Civil) Diary No.41441/2025, Hon'ble Supreme Court disposed of SLP by order dated 08.04.2025 and a scanned reproduction of the same is as follows:



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ITEM NO.56

COURT NO.7

SECTION XII

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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 41441/2025

[Arising out of impugned final judgment and order dated 25-04-2025 in WP No. 18214/2025 passed by the High Court of Judicature at Madras]

CSI ST PAUL CHURCH

Petitioner(s)

VERSUS

T. SATHYANARAYAN & ORS.

Respondent(s)

IA No. 186986/2025 - CONDONATION OF DELAY IN FILING
IA No. 186981/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 186982/2025 - EXEMPTION FROM FILING O.T.
IA No. 186983/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 08-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASINHA
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Ms. Uttara Babbar, Sr. Adv.
Mr. Abhishek Jebaraj, AOR
Ms. Srishti Agnihotri, Adv.
Ms. A Reyana Shruti, Adv.
Mr. D.p. Singh, Adv.
Ms. Anchal Kanthad, Adv.
Mr. Ayush P Shah, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. We have heard the learned senior counsel appearing
for petitioner.

2. It appears from the order impugned before us that
respondent nos. 4 and 5 therein, were not heard.



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3. In that view of the matter, we permit the respondent(s) to withdraw the present petition and approach the High Court by filing necessary application/ review petition, if necessary, and approach this Court again if occasion arises.

4. Accordingly, the Special Leave Petition is dismissed as withdrawn.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(MANOJ KUMAR)
COURT MASTER (NSH)

9. Adverting to the above, learned counsel for writ petitioner submits that pursuant to orders of Hon'ble Supreme Court, writ petitioner has filed a review application being Review Application No.232 of 2025 which has to be listed before Hon'ble Division Bench which made the earlier order. We make it clear that this order will not in any manner impact the review application and more particularly it



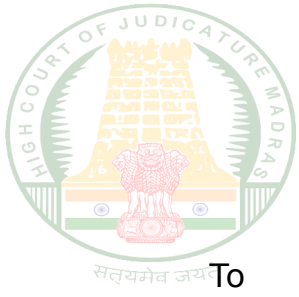
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will not impact the rights of R4 (private respondent) before us in any manner. On the contrary, for the sake of specificity, we clarify that all the rights and contentions of R4 (private respondent) will stand preserved. Therefore, there is no difficulty in dispensing with notice to R4 and taking up the main WP (which is being disposed of on a short point of not considering the writ petitioner's response) with the consent of learned counsel for writ petitioner and learned State Counsel.

10. Ergo, the sequitur is, captioned WP is allowed albeit with preservation of rights and contentions of writ petitioner, private respondent (R4) and State in the manner set out supra. There shall be no order as to costs.

(M.S.,J.) **(M.S.K.,J.)**
04.09.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi



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Collectorate, Vellore,
Vellore District - 632 009.
 - 2.The Commissioner,
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Zone 2 Phase 2,
Sathuvachari, Vellore -632 009.
 - 3.The Tahsildar,
Vellore District,
Vellore - 632 001.



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**M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,**
mmi

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04.09.2025