



W.P.No.33993 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.33993 of 2025
and
W.M.P.No.38152 of 2025

Ravi
S/o.Arumugam

.. Petitioner

Vs.

1. The Municipality Commissioner
Kumarapalayam Municipality
Kumarapalayam.

2. M.Sathiavani Muthu
W/o.Murugesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of Certiorari, to call for the records pertaining
to the proceeding / Notice in Na.Ka.No.2688/2023/பி1 dated 01.09.2025 of
the first respondent and quash the same.

For Petitioner : Mr.S.Sivagurunathan
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1



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ORDER

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

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} has been filed with a prayer seeking issue of a writ of certiorari assailing a 'notice dated 01.09.2025 bearing reference Na.Ka.No.2688/2023/ஸ்டீ/ issued by R1' {hereinafter 'impugned notice' for the sake of brevity, convenience and clarity}.

2. Mr.S.Sivagurunathan, learned counsel on record for writ petitioner submits that prior to impugned notice, writ petitioner was visited with as many as five notices, the details of which have been cited as reference No.3 in the impugned notice and the writ petitioner has responded to the five notices construing the same as 'Show Cause Notices' {'SCNs'} but no final orders have been made as per proviso to Section 128(1)(b) of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' {hereinafter 'TNULB Act' for the sake of brevity}.



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3. Issue notice to R1.

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4. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 and fairly submits that writ petitioner's response/s to five notices cited as reference No.3 in the impugned notice will be considered and orders will be passed by R1 vide proviso to Section 128(1)(b) of TNULB Act.

5. Be that as it may, we deem it appropriate to record that even in the impugned notice, all five notices cited as reference No.3 have been described as notices which called upon the writ petitioner to remove the encroachment directly. In other words, to put it differently, even according to R1, five notices cited as reference No.3 in the impugned notice are not SCNs. Impugned notice proceeds on the basis that writ petitioner has not removed the alleged encroachment in spite of being called upon to do so vide five notices cited as reference No.3 in the impugned notice and therefore, the impugned notice has been issued calling upon the writ petitioner to remove the encroachment within 24 hours.



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6. As regards R2 (private respondent), it is seen that private respondent came to this Court earlier vide W.P.No.10842 of 2020 with a 'Removal of Encroachment' {'RoE'} prayer (writ petitioner before us is R3 in W.P.No.10842 of 2020). We make it clear that this order will not impact the rights of R2 in any manner. On the contrary, all rights and contentions of R2 are preserved and we also make it clear that if R2 has sent any representation, the same shall also be considered by R1 as proviso to Section 128(1)(B) of TNULB Act talks about 'any representation'. Therefore, we find it appropriate to dispense with notice to private respondent (R2) and take up the main WP with the consent of learned counsel for writ petitioner and learned State Counsel.

7. In the light of the narrative thus far, the impugned notice is dislodged but with preservation of rights of writ petitioner, R2 and the State and making it clear that R1 shall now pass orders under proviso to Section 128(1)(b) of TNULB Act. Further coercive action, if any and if that be so, shall be subject to and / or depending on such final orders to be made by R1 under proviso to Section 128(1)(b) of TNULB Act.



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Captioned WP disposed of in the aforesaid manner. In the light of

what we have written regarding coercive action, captioned WMP has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(M.S.K.,J.)

04.09.2025

mk

Speaking / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

To

The Municipality Commissioner
Kumarapalayam Municipality
Kumarapalayam.



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

mk

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