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W.P.No.37218, 37222, 37226 & 37231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition Nos.37218, 37222, 37226 & 37231 of 2024
and

Writ Miscellaneous Petitions Nos.40228, 40609, 40612, 40232, 40616,
40238, 40610 & 40243 of 2024

K. Balasundaram ... Petitioner in WP No.37218/2024

M. Arun ... Petitioner in WP No.37222/2024

D. Krishnakumar ... Petitioner in WP No.37226/2024

1. N.Arumugam

2. N. Saravanan

3. N. Senthil

4. N. Ramu

5. N. Lakshmipathy ... Petitioners in WP No.37231/2024

Vs.

1. The District Collector,
Tiruvallur Office of Collectorate, Tiruvallur.

2. The Commissioner,
Greater Chennai Corporation, Ripon Building,
No.1131, EVR Periyar Salai, Park Town,
Chennai – 600 003.



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3. The Regional Deputy Commissioner,
Greater Chennai Corporation,
Regional Office – North,
No.61, Basin Bridge Road,
Chennai – 600 021.

4. Zonal Officer – Madavaram Zone,
Greater Chennai Corporation,
No.1, Thattankulam Street, Bazar Road,
Madhavaram, Chennai – 600 060.

5. The Tahsildar,
Madhavaram Taluk,
Chennai – 600 066.

6. Mrs. Meera Ramesh Babu

... Respondents in all WPs

Prayer in WP. No.37218/2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in reference to the impugned notice in reference vide Notice No.Zone-III/Enc/Dn29/001-10/2024, Dt. 13.09.2024 issued under Section 128(1)(b) of Tamil Nadu Urban Local Bodies Act, 1998 on the file of the third respondent and quash the same and direction the respondents 1 to 5 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit -8, Zone-3, Ponnammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00180-000/MDB-51099.

Prayer in WP. No.37222/2024: Writ Petition filed under Article 226 of

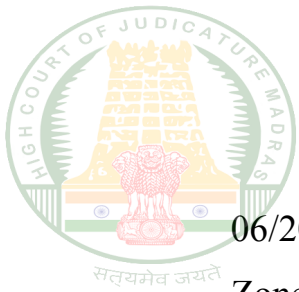


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the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in reference to the impugned notice in reference vide Notice No.Zone-III/Enc/Dn29/001-03/2024, Dt. 13.09.2024 issued under Section 128(1)(b) of Tamil Nadu Urban Local Bodies Act, 1998 on the file of the third respondent and quash the same and direction the respondents 1 to 5 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit -8, Zone-3, Ponniammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00215-000/MDV-51000.

Prayer in WP. No.37226/2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in reference to the impugned notice in reference vide Notice No.Zone-III/Enc/Dn29/001-04/2024, Dt. 13.09.2024 issued under Section 128(1)(b) of Tamil Nadu Urban Local Bodies Act, 1998 on the file of the third respondent and quash the same and direction the respondents 1 to 5 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit -8, Zone-3, Ponniammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00160-000/MDV-51112.

Prayer in WP. No.37231/2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in reference to the impugned notices in reference vide Notice Nos.Zone-III/Enc/Dn29/001-05/2024, Zone-III/Enc/Dn29/001-



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06/2024, Zone-III/Enc/Dn29/001-07/2024, Zone-III/Enc/Dn29/001-08/2024, Zone-III/Enc/Dn29/001-09/2024, Dt. 13.09.2024 issued under Section 128(1)(b) of Tamil Nadu Urban Local Bodies Act, 1998 on the file of the third respondent and quash the same and direction the respondents 1 to 5 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit -8, Zone-3, Ponniammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00169-000/MDV-111168.

For Petitioners in all WPs : Mr. Mr. J. R. K. Bhavanantham
For R1 & R5 in all WPs : Mr. T. Chandrasekaran,
Special Government Pleader
For R2 to R4 in all WPs : Mr. D. B. R. Prabhu,
Senior Counsel for
Greater Chennai Corporation

COMMON ORDER

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

The writ on hand has been instituted challenging the show cause notice issued by the Greater Chennai Corporation in proceeding dated 13.09.2024 under Section 128 (1) (b) of the Tamil Nadu Urban Local Bodies Act, 1998.

2. The Corporation authorities during inspection found that the petitioners have encroached upon public road. After conducting inspection,



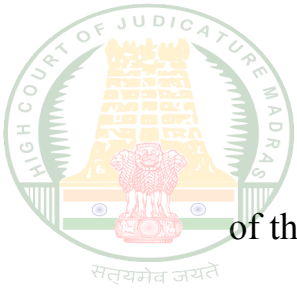
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show cause notice was issued. The petitioners instead of submitting explanations to defend their case, has chosen to file the present writ petitions. However, the Corporation authorities conducted an enquiry by issuing further notice to the petitioners. Enquiry was conducted on 28.04.2024 at 11.00 a.m.

3. Section 128 (1) (b) of the Tamil Nadu Urban Local Bodies Act, 1998 proviso indicates that the Commissioner shall consider any representations received within the time limit before passing final orders. Sub Section (2) to Section 128 contemplates criminal prosecution against the persons who have encroached upon the public roads.

4. In the present case, the enquiry was conducted by affording opportunity to the petitioners. Therefore, the Commissioner has to consider the materials available on record including the defence statement, if any, filed by the writ petitioners and pass final orders under the Act and thereafter, remove the encroachments from the public road and protect the road for the usage of public. In the event of arriving a conclusion by the Commissioner that it is a public road and has been encroached upon, then, criminal prosecution also to be initiated under Sub Section (2) to Section 128



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of the Tamil Nadu Urban Local Bodies Act, 1998.

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5. This being the scope of the provisions, based on the enquiry and materials available on record, the Commissioner, Chennai Corporation shall proceed and pass appropriate final orders and initiate all further actions by following due procedures as contemplated under the Act and Rules. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

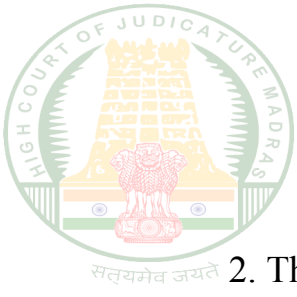
6. The writ petitions stand disposed of. There shall be no orders as to costs. Consequently, the connected miscellaneous petitions also stands closed.

(S.M.S., J.) (K.R.S., J.)
25.02.2025
(1/2)

ssi
Index: Yes
Speaking Order: Yes/No
Neutral Citation Case : Yes/No

To

1. The District Collector,
Tiruvallur Office of Collectorate, Tiruvallur.



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2. The Commissioner,
Greater Chennai Corporation, Ripon Building,
No.1131, EVR Periyar Salai, Park Town,
Chennai – 600 003.
3. The Regional Deputy Commissioner,
Greater Chennai Corporation,
Regional Office – North,
No.61, Basin Bridge Road,
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4. Zonal Officer – Madavaram Zone,
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No.1, Thattankulam Street, Bazar Road,
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5. The Tahsildar,
Madhavaram Taluk,
Chennai – 600 066.

S. M. SUBRAMANIAM., J.

AND

K. RAJASEKAR., J.



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ssi

W.P.Nos. 37218, 37222, 37226 & 37231 of 2024
and W.M.P.Nos.40228, 40609, 40612, 40232, 40616,
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