



WEB COPY



WP No. 35658 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 35658 of 2025 AND

WMP NO. 39901 OF 2025

Dr.D.Selvam

M/s.Arun Priya Multi Specialty Hospital, No.3 And 4
Pattamangala Street, Mayladuthurai,
Mayiladuthurai District

..Petitioner

Vs

The Commissioner
Mayiladuthurai Municipality,
Mayiladuthurai District

..Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the impugned order issued by the respondent in Na.Ka.No.3158/2025/F1 dated 19.8.2025 and quash the same as illegal and against section 128(1)(b) of the Tamilnadu Urban Local Bodies Act 1998.

For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : Mr.E.Vijay Anand
Additional Government Pleader

Order



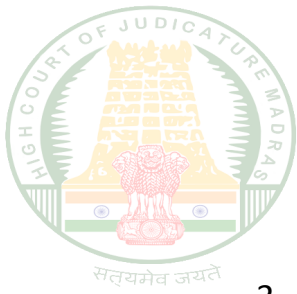
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(Order of the Court was made by R.Suresh Kumar J.)

Challenging the order issued by the respondent dated 19.8.2025, whereby action was initiated under section 128(2) of the Tamilnadu Urban Local Bodies Act 1998 for removal of alleged encroachment on the part of the writ petitioner, the present writ petition has been filed.

2. We, after hearing the learned counsel for the writ petitioner and the learned Additional Government Pleader, have found that before issuance of the impugned order dated 19.08.2025 giving only seven days time to the petitioner to remove such alleged encroachment, no show cause notice as contemplated under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act since has been issued, the impugned order dated 19.08.2025 cannot be proceeded with as if it is a final order. At the same time, the order dated 19.08.2025 can be treated as a show cause notice and the petitioner can reply to the same within a reasonable time.



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3. In that view of the matter, this writ petition is disposed of with the following orders.

- (a) The impugned order dated 19.08.2025 issued by the respondent shall be treated as a show cause notice and the petitioner is at liberty to give reply to the said show cause notice within a period of two weeks from the date of receipt of a copy of this order.
- (b) On receipt of such reply, the respondent shall consider it and pass orders thereon on merits and in accordance with law under proviso to Section 128(1)(b) of the Act.
- (c) Till such time, no further coercive action pursuant to the impugned order shall be taken.

4. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)
25-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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WP No. 35658 of 2025

**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

KST

To

The Commissioner
Mayiladuthurai Municipality
Mayiladuthurai District.

**WP No. 35658 of 2025
AND
WMP NO. 39901 OF 2025**

25-09-2025