



WEB COPY



W.P.No.38591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.P.No.38591 of 2025
and
W.M.P.Nos.43153 & 43154 of 2025**

Komathi

... Petitioner

-Vs-

The Commissioner,
Avadi City Municipal Corporation,
Avadi,
Chennai - 54.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned show cause notice in Na.Ka.No.8816/2022/AP2 dated 23.07.2025 and quash the same.

For Petitioner	:	Mr.C.Harish
For Respondent	:	Mr.RA.Gopinath Standing Counsel

ORDER



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(Order of the Court was made by **R.SURESH KUMAR, J.**)

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The prayer sought for herein is for a writ of certiorari to call for the records pertaining to the impugned show cause notice in Na.Ka.No.8816/2022/AP2 dated 23.07.2025.

2. On the alleged encroachment said to have taken place at the public road under the respondent Municipality, an order under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 has been issued by the respondent Municipality on 23.07.2025 whereby fifteen days has been given to the petitioner to remove such encroachment. Challenging the said order dated 23.07.2025, the present writ petition has been filed.

3. Mr.C.Harish, learned counsel appearing for the petitioner would submit that, before issuance of the impugned order, no notice has been served or issued on the petitioner which is mandated under Section 128 of the Tamil Nadu Urban Local Bodies Act, therefore, on that ground, the impugned order is liable to be interfered with.

4. On the other hand, Mr.RA.Gopinath, learned Standing Counsel



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appearing for the respondent Municipal Corporation would submit that, only after conducting the survey with the help of the revenue authorities, it was found that, the petitioner had been in encroachment to an extent of 31.56 square meters at City Plot No.137, i.e., public pathway which has been encroached by her, therefore, the impugned order was passed.

5. We have heard the learned counsel appearing for both sides and perused the materials placed before this Court.

6. Be that as it may, insofar as the encroachment if it is found by the authorities concerned like the respondent Municipal Corporation before invoking the eviction proceedings under Section 128(1)(b), show cause notice should have been issued by them, therefore, in the absence of show cause notice, we deem it appropriate to pass the following directions in the writ petition:

(i) that the petitioner shall treat the impugned order dated 23.07.2025 as show cause notice and it is open to her to give reply to the said show cause notice within a period of fifteen days from the date of receipt of a copy of this order and on receipt of such reply or if no reply is filed within fifteen days as stated above, it is open to the respondent Municipal Corporation to take action in pursuance to the said order that is impugned



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herein in accordance with law.

(ii) Till such time, no coercive steps shall be taken pursuant to the order impugned by the respondent Municipal Corporation.

7. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)
10.10.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

The Commissioner,
Avadi City Municipal Corporation,
Avadi,
Chennai - 54.



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and
HEMANT CHANDANGOUDAR, J.**

vji

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