



W.P.Nos.36738, 36833, 37086, 37261, 37275, 37279, 37287 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.09.2025

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.Nos.36738, 36833, 37086, 37261, 37275, 37279, 37287 of 2025 and
W.M.P.Nos.41090, 41207, 41506, 41687, 41704, 41708, 41721 of 2025

K.Janaki	... Petitioner in W.P.No.36738/2025
M.Pushparani	... Petitioner in W.P.No.36833/2025
A.Sakthi Vadivel	... Petitioner in W.P.No.37086/2025
Suriya Banu	... Petitioner in W.P.No.37261/2025
P.Poovathal	... Petitioner in W.P.No.37275/2025
S.Murali	... Petitioner in W.P.No.37279/2025
D.Arulanantham	... Petitioner in W.P.No.37287/2025

Vs.

1. The Director
Directorate of Municipal Administration
No.75, Urban Admin Building



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Santhome High Road
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028

2. The Regional Director
O/o.Regional Director of Municipal Administration
No.48, Marudhasalapuram Mainroad
Kumaranathapuram
Thiruppur

3. The Commissioner
Mettupalayam Municipality
Mettupalayam
Coimbatore District

... Respondents
in all WPs

Prayer in W.P.No.36738 of 2025 : Writ Petitions filed under Article 227 of Constitution of India for issuance of writ of certiorarified mandamus to call for the record in Na.Ka.No.2682/2006/A1 dated 08.09.2025 on the file of 3rd respondent and quash the same and directing the respondents to execute the sale deed in favour of the petitioner with respect to the property admeasuring 1500 sq.ft situated at No.7, Municipal Colony, Mettupalayam Town in the light of Resolution No.440 dated 31.03.1997 on the file of 3rd respondent.

Prayer in W.P.No.36833 of 2025 : Writ Petitions filed under Article 227 of Constitution of India for issuance of writ of certiorarified mandamus to call for the record in Na.Ka.No.2682/2006/A1 dated 08.09.2025 on the file of 3rd respondent and quash the same and directing the respondents to execute the sale deed in favour of the petitioner with respect to the property admeasuring 1500 sq.ft situated at No.11, Municipal Colony, Mettupalayam Town in the light of Resolution No.440 dated 31.03.1997 on the file of 3rd respondent.



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Prayer in W.P.No.37086 of 2025 : Writ Petitions filed under Article 227 of Constitution of India for issuance of writ of certiorarified mandamus to call for the record in Na.Ka.No.2682/2006/A1 dated 08.09.2025 on the file of 3rd respondent and quash the same and directing the respondents to execute the sale deed in favour of the petitioner with respect to the property admeasuring 1500 sq.ft situated at No.3, Municipal Colony, Mettupalayam Town in the light of Resolution No.440 dated 31.03.1997 on the file of 3rd respondent.

Prayer in W.P.No.37261 of 2025 : Writ Petitions filed under Article 227 of Constitution of India for issuance of writ of certiorarified mandamus to call for the record in Na.Ka.No.2682/2006/A1 dated 08.09.2025 on the file of 3rd respondent and quash the same and directing the respondents to execute the sale deed in favour of the petitioner with respect to the property admeasuring 1500 sq.ft situated at No.13, Municipal Colony, Mettupalayam Town in the light of Resolution No.440 dated 31.03.1997 on the file of 3rd respondent.

Prayer in W.P.No.37275 of 2025 : Writ Petitions filed under Article 227 of Constitution of India for issuance of writ of certiorarified mandamus to call for the record in Na.Ka.No.2682/2006/A1 dated 08.09.2025 on the file of 3rd respondent and quash the same and directing the respondents to execute the sale deed in favour of the petitioner with respect to the property admeasuring 1500 sq.ft situated at No.12, Municipal Colony, Mettupalayam Town in the light of Resolution No.440 dated 31.03.1997 on the file of 3rd respondent.

Prayer in W.P.No.37279 of 2025 : Writ Petitions filed under Article 227 of Constitution of India for issuance of writ of certiorarified mandamus to call for



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the record in Na.Ka.No.2682/2006/A1 dated 08.09.2025 on the file of 3rd respondent and quash the same and directing the respondents to execute the sale deed in favour of the petitioner with respect to the property admeasuring 1500 sq.ft situated at No.5, Municipal Colony, Mettupalayam Town in the light of Resolution No.440 dated 31.03.1997 on the file of 3rd respondent.

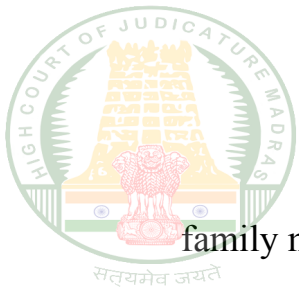
Prayer in W.P.No.37287 of 2025 : Writ Petitions filed under Article 227 of Constitution of India for issuance of writ of certiorarified mandamus to call for the record in Na.Ka.No.2682/2006/A1 dated 08.09.2025 on the file of 3rd respondent and quash the same and directing the respondents to execute the sale deed in favour of the petitioner with respect to the property admeasuring 1500 sq.ft situated at No.12, Municipal Colony, Mettupalayam Town in the light of Resolution No.440 dated 31.03.1997 on the file of 3rd respondent.

For Petitioner : Mr.R.Rajarajan

For Respondents : Dr.T.Seenivasan
Special Government Pleader

COMMON ORDER

In all these writ petitions, either the petitioner's husband or father was in employment with the Mettupalayam Municipality. They were employed as low income grade servants. The Municipality, taking into consideration the economic position in which these employees were placed, came up with a scheme to provide them with accommodation on payment of rents. Over time, the employees of the Municipality either passed away or retired but their



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family members continue to reside in the same premises.

WEB COPY 2. The Municipal Council passed a resolution on 31.03.1997 stating that the properties under occupation of its servants may be allotted to them. This resolution was never given effect to. The petitioners also continue in possession till date.

3. Mr.R.Rajarajan states that the petitioners have been paying the rents promptly to the Municipality and are not in arrears. He took me to the impugned order to point out that the third respondent has now threatened to dispossess the petitioners from the property forcibly.

4. I have gone through the impugned order. I do not find that neither the Municipality has threatened the petitioners with forcible dispossession, nor has the Municipality ever issued such a notice. My reading of the notice leads me to understand that the Municipal Commissioner has called upon the petitioners to surrender the possession voluntarily giving them a period of 30 days and in case they fail to do so, he would proceed in accordance with law and have them evicted.

5. At this stage, Mr.Rajarajan states that the notice does not explicitly say so. As the Commissioner is not a lawyer or a person educated in law for him to specifically state to that effect, the impugned order, which is nothing



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but a notice calling upon the petitioners to surrender possession, cannot be treated as an order of eviction.

6. Dr.T.Seenivasan, appearing for the respondents states that in case the petitioners do not surrender possession within the period of 30 days, the Municipality will resort to taking measures in accordance with law and dispossess them from the property.

7. Mr.Rajaraman, referring to Section 129 of the Tamil Nadu Urban Local Bodies Act, 1998, states that the Commissioner has to issue a notice under Section 129 of the Act.

8. I am not in agreement with Mr.Rajaraman. Mr.Rajaraman's clients had entered possession as tenants. They continue to remain as tenants even after the death of the original allottees. Therefore, they cannot be treated as encroachers. However, there is a legislation in the State of Tamil Nadu, titled “the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 ”. In terms of Section 2(e)(2) of the said Act, any premises belonging to, or taken on lease by or on behalf of a local Board or local Authority would be treated as "public premises". As to what is "unauthorized occupation" is covered under Section 2(g) of said Act. It includes continuance in possession by any person of a public premises after the Authority under which he was



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allowed to occupy the premises, either has expired or has been determined for any reason whatsoever. The notices that are impugned in these writ petitions would have to be treated only as a notice determining the tenancy of the petitioners.

9. Therefore, recording the statement of Dr.Seenivasan, that the Authorities will proceed strictly in accordance with law, in case the possession is not handed over, within the period fixed under the impugned notice, these writ petitions stand disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

26.09.2025

Index: Yes/No
Neutral Citation: Yes/No
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V.LAKSHMINARAYANAN,J.

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To

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Directorate of Municipal Administration
No.75, Urban Admin Building
Santhome High Road
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028
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O/o.Regional Director of Municipal Administration
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