



WEB COPY



W.P.No.39637 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

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

**W.P.No.39637 of 2025
and
W.M.P.No.44622 of 2025**

C.Praveen Solomon Dennis

... Petitioner

-Vs-

The Commissioner,
Avadi Municipality,
Chennai – 600 054.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to Na.Ka.No.7195 of 2024/F2 dated 09.09.2025 title of the respondent herein and quash the same and consequently direct the respondent herein not to demolish the building in the said property at 1668 sq.ft. comprised in punjai Survey No.264/3, Avadi Town Manai No.A situated at No.11, Mittanamalli Village, Bharat Avenue, Avadi Taluk, Tiruvalluvar District, Tamil Nadu – 600 055.

For Petitioner : Ms.Margaret Lawrence

For Respondent : Mr.R.A.Gopinath
Government Advocate



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ORDER

(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 Certiorarified Mandamus, to call for the records relating to Na.Ka.No.7195/2024/F2 dated 09.09.2025 of the respondent and quash the same and consequently, direct the respondent not to demolish the building measuring to an extent of 1668 sq.ft. comprised in punjai Survey No.264/3 situated at Avadi Town Manai No.A situated at No.11, Mittanamalli Village, Bharat Avenue, Avadi Taluk, Tiruvalluvar District, Tamil Nadu – 600 055.

2. In respect of Old Survey No.266/2A, CRPF Nagar, Bharath Avenue, Bethel Street, Blok No.35 at Mittanamalli Village, the respondent Municipality has issued an order under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 directing the petitioner to vacate the premises within a period of fifteen days. Challenging the same, the present writ petition has been filed.

3. Heard Ms.Margaret Lawrence, learned counsel appearing for the petitioner who along with the other grounds raised in the writ petition would submit that before issuance of the impugned order, no notice as contemplated under Section 128 has been issued as a show cause notice.



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4. We have heard Mr.R.A.Gopinathan, learned Government Advocate, who takes notice for the respondent.

5. It is a settled proposition that when a statute prescribed issuance of a show cause notice even otherwise the principles of natural justice since requires show cause notice is a must before passing any final order to take a drastic step of evicting anyone from the house or dwelling area of their occupancy, such a procedure contemplated under the legislation since has to be followed and here is a case, where such procedure is not followed, on that ground itself, the order is liable to be interfered with.

6. In that view of the matter, we are inclined to dispose of the writ petition with the following orders:

(i) that the impugned order dated 09.09.2025 issued by the respondent shall be treated as a show cause notice within the meaning of Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 by the petitioner and fifteen days time is given to the petitioner from the date of receipt of a copy of this order to give a reply to the said show cause notice.

(ii) On receipt of such reply, it is open to the respondent Municipality to act upon and to pass orders as a final order, in case, if they find that there has been no reason to accept the reply filed by the petitioner to vacate the premises occupied by



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the petitioner and such a drastic action is required under Section 128(1)(b) of the Act. It is further open to the respondent Municipality to do the same.

(iii) Until such a course of action is followed and final order is passed, no further coercive steps shall be taken for removal of petitioner.

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

(R.S.K., J.) (H.C., J.)
11.11.2025

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

To

The Commissioner,
Avadi Municipality,
Chennai – 600 054.



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