



WEB COPY

W.P.No.38176 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No38176 of 2025 and
W.M.P.Nos.42657 and 42659 of 2025

K.Kaliammal

... Petitioner

-VS-

The Commissioner,
Namakkal Corporation,
Namakkal.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the entire records, pertaining to the impugned order passed by the respondent in Na.Ka.No.638/2025/F1 dated 29.09.2025 and quash the same, as it is without jurisdiction, arbitrary and unconstitutional.

For Petitioner : Mr.S.Senthil

For Respondent : Mr.M.Rajamathivanan
Standing Counsel

ORDER

(By.S.M.SUBRAMANIAM,J.,)

Eviction proceedings initiated under Section 128 of Tamil Nadu Urban Local Bodies Act, 1998 dated 29.09.2025 is under challenge in the present writ petition.



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2. Multiple writ proceedings have been instituted by the petitioner with an idea to escape from the clutches of eviction proceedings. Therefore, pleading non compliance of the principles of natural justice in the present writ petition is a vague argument advanced by the learned counsel for the petitioner. Several eviction notices were issued and those notices were challenged before the High Court by way of writ proceedings and orders passed affording opportunity to the petitioner.

3. Learned Standing Counsel appearing for the respondent would submit that encroachments are identified in the water body and 12 persons have encroached upon the water body, out of whom, 11 encroachers have already been evicted. The petitioner is yet to be evicted on account of pending writ petition. One E.Mani filed W.P.No.15359 of 2024, seeking removal of encroachments on the water body, including the encroachment made by the petitioner. Writ Court directed for eviction of the petitioner. Thereafter, the said E.Mani filed Cont.P.No.3234 of 2025, in which, this Court passed an order, directing the Commissioner, Namakkal Corporation to take action to defend the present Writ Petition and initiate action to remove encroachments in the water body.



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4. Learned counsel for the petitioner would submit that the defence ground raised in his representation has not been considered. It is not the first case where representation has been submitted by the petitioner. Even during the earlier proceedings, the petitioner has submitted representation. However, the petitioner has not made any acceptable ground for the purpose of considering the relief.

5. May that as it be, the argument that the impugned order is a final order and no show cause notice was given to the petitioner is unacceptable. Seven days' time was granted to the petitioner either to vacate the encroached portion or submit his representation.

6. In the present case, representation was submitted in response to the earlier eviction notice and eviction proceedings are pending for more than two years. Initially, eviction proceedings were initiated in the year 2010. Under these circumstances, the ground relating to non compliance of principles of natural justice is untenable and the petitioner had already been provided with sufficient opportunity to defend his case and he has not only defended his case by submitting his explanation, but also filed multiple writ petitions, challenging the eviction proceedings.



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7. In view of the above facts and circumstances, the petitioner has not established even a semblance of legal rights for considering the relief. The respondent shall proceed with the enforcement action and evict encroachments.

With the above observations and directions, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S,J.,) (C.K,J.,)
18.12.2025

Index: Yes / No
Internet: Yes / No
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To:

The Commissioner,
Namakkal Corporation,
Namakkal.

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