



WEB COPY



W.P.No.39875 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.P.No.39875 of 2025

K.Pachainayaki .. Petitioner

Vs.

1. The Coimbatore Corporation
Rep. by its Commissioner
Coimbatore – 641 001.

2. The Town Planning Officer
Coimbatore Corporation
Coimbatore – 641 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records relating to the impugned order in Na.Ka.No.6805/2025/H1/S dated 26.09.2025 (Affixed on 09.10.2025) issued by the 2nd respondent quash the same and consequently forbear the respondents from interfering with my right to shelter over the property measuring 61.50 sq. meters in TS No.33/33, Ward 44, Block 20, Kumarapalayam, Coimbatore Corporation, which is part and parcel of my house property.

For the Petitioner : Mr.N.Manoharan

For the Respondents : Ms.R.Apoorva
for Mr.D.Ferdinand
Standing Counsel



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ORDER

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

The prayer sought herein is for a writ of certiorarified mandamus, to call for the records relating to the impugned order in Na.Ka.No.6805/2025/H1/S dated 26.09.2025 (Affixed on 09.10.2025) issued by the second respondent, quash the same and consequently, forbear the respondents from interfering with the petitioner's right to shelter over the property measuring 61.50 sq. meters in TS No.33/33, Ward 44, Block 20, Kumarapalayam, Coimbatore Corporation.

2. A proceedings have been issued by the first respondent under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 that, within fifteen days, the alleged encroachment, by constructing a compound wall by the petitioner, should be removed.

3. It is the prime complaint on the part of the petitioner, as stated by *Mr.N.Manoharan*, learned counsel for the petitioner, that, without even giving notice to seek show-cause, the present order since has been passed, the same is liable to be interfered with.



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4. We have heard *Ms.R.Apoorva*, learned counsel appearing on behalf of *Mr.D.Ferdinand*, learned Standing Counsel for the respondents.

5. We have gone through the impugned order dated 26.09.2025, which, in fact, was issued under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998, where, show-cause notice must have been given before proceeding to take any action to evict the alleged encroachment of the property belonging to the Local Body.

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

(i) That it is open to the petitioner to treat the present impugned order dated 26.09.2025 as a show-cause notice and it is open to him to give a reply by way of show-cause within a period of fifteen days from the date of receipt of a copy of this order. On receipt of such reply, the respondents, especially the first respondent, shall pass orders on merits and in accordance with law thereafter.



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7. With these directions, the writ petition stands disposed of.

However, there shall be no order as to costs. Consequently,

W.M.P.Nos.44791 and 44792 of 2025 are closed.

(R.S.K., J.) (S.S., J.)
24.10.2025

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

Index: Yes/No

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To:

1. The Commissioner
The Coimbatore Corporation
Coimbatore – 641 001.
2. The Town Planning Officer
Coimbatore Corporation
Coimbatore – 641 001.



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R. SURESH KUMAR, J.
AND
S. SOUNTHAR, J.

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