



W.P.No.46255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.46255 of 2025 and
W.M.P.Nos.51587 and 51590 of 2025

1. Venkateshwaran
2. Eswaran
3. Thangavel
4. Tmt.Rani

... Petitioners

-vs-

The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.

... Respondent

Common Prayer: Petitions filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records relating to the eviction notice, issued by the respondent in Na.Ka.No.4042/ 2019/F1 dated 11.11.2025 (served only on 17.11.2025) quash the same.

For Petitioners : Mr.M.P.Rajavelayutham
For Respondent : Mr.L.P.Maurya
Standing Counsel

ORDER

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

Writ Petition on hand has been instituted, challenging the notice dated 11.11.2025, asking the petitioner to vacate from the encroached portion of the Municipality land.



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2. A perusal of the notice impugned would show that the Commissioner, Municipality, based on the order of this Court dated 07.10.2021 passed in W.P.No.3460 of 2020 issued notice. The suit for injunction instituted by the petitioner in O.S.No.140 of 2019 also came to be dismissed by the District Munsif Court, Mettur on 15.07.2025. No writ against a notice can be entertained, unless it has been issued by an incompetent authority, having no jurisdiction.

3. Learned counsel for the petitioner would submit that the encroachment has already been removed and it was recorded by this Court in the earlier proceedings.

4. Per contra, learned Standing Counsel appearing for the respondent would disagree, by stating that a portion of the encroachment is yet to be removed and there is no lease in existence between the Municipality and the petitioner. He would also state that the petitioner is liable to be evicted from the entire area and the petitioner is at liberty to submit his explanation, if any, in response to the notice.



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5. In the present case, the petitioner has already submitted his explanation on 23.10.2025 and subsequently, it was rejected. That being so, there is no impediment for the Municipality to complete the enforcement action by following procedures as contemplated. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands dismissed. No costs. W.M.P.No.51587 is ordered. Consequently, W.M.P.No.51590 of 2025 is closed.

(S.M.S,J.,) (C.K,J.,)
08.12.2025

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

The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.



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