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W.P.No.46796 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.46796 of 2025

and

W.M.P.Nos.52233 & 52234 of 2025

- 1 Marimuthu
- 2 Iruyai
- 3 Munusamy
- 4 Vigneshwaran
- 5 S.Chellamuthu
- 6 Santha
- 7 Thirunavukarasu
- 8 Gurusamy
- 9 Arumugam
- 10 Sumathi
- 11 Chinnammal



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12 Selvanayagi

13 Karthikeyan

14 Mathaiyan

15 Ramesh

16 Boopathi

17 Krishnamoorthy

18 Rukmani

19 Raman

20 Ravichandran

21 Kannan

22 Mariyammal

23 Dhinakaran Velu

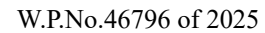
24 Bharanitharan

25 Palaniyammal

26 Senthilvel

27 Ramachandran

28 Rangarajan



..Petitioners

VS

- 1 The Collector
Salem District, Salem.
- 2 The Revenue Divisional Officer,
Mettur, Salem District.
- 3 The Tahsildar
Mettur Taluk, Mettur,
Salem district.
- 4 The Commissioner
Mettur Municipality, Mettur Dam,
Salem District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari mandamus to call for the records relating to the notice issued by the 4th respondent in Na.Ka.911/2025/1 dated 18.11.2025(served on 20.11.2025) U/S 128 Tamil Nadu Urban Local bodies Act (Amended) 1998 and quash the same and direct the respondents 1 to 3 to issued patta to the petitioners for their respective occupation in Natham land in T.S.No.1, Old S.No.42/17 at Ward-B, Block-16, Mettur Salem District.

For Petitioners : Mr.P.M.Subramaniam,
Senior Counsel
for Mr.V.Elangovan



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For Respondents : Mr.T.Arunkumar,
Addl.Govt.Pleader for R1 to R3
Mr.LP.Maurya,
Standing Counsel for R4

ORDER

S.M.SUBRAMANIAM,J.

Show cause notice issued under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 is under challenge in the present writ petition.

2. The impugned notice dated 18.11.2025 shows that earlier, an opportunity was granted to the writ petitioners by the Commissioner of Municipality, vide its notice, directing the alleged encroachers to submit their documents. One encroacher appeared before the Commissioner and submitted his written explanation stating that they are initiating action to secure patta and therefore, encroachments may not be removed.

3. The authorities, after conducting survey, issued the impugned notice dated 18.11.2025, granting 15 days time to vacate the subject property voluntarily, failing which, further enforcement action will be initiated under Section 128(2) of the Tamil Nadu Urban Local Bodies Act.



4. Learned Senior Counsel appearing on behalf of the petitioners

would mainly contend that the impugned notice cannot be construed as a show cause notice. The authorities have already decided the issue and therefore, the said order is liable to be set aside.

5. The learned Additional Government Pleader would submit that initially survey was conducted by the authorities by affording opportunity to the encroachers. After conducting survey, the authorities identified the encroachment and issued the notice under Section 128(1)(b) of the Act. If at all, the petitioner/encroachers are aggrieved, they may submit further representation or written explanation along with the documents to the Commissioner of Municipality, who in turn, shall consider and thereafter, initiate the enforcement action for removal of encroachment.

6. Earlier, eight writ petitioners filed W.P.No.15210/2025 seeking removal of unauthorized constructions in 50 feet public road located in Ward-B, Block-16 in Town Survey No.1 within Mettur Municipality limit as per the map dated 04.06.2015 issued by Mettur Municipality. The Division Bench of this Court disposed of the writ petition on 07.07.2025



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directing the Commissioner, Mettur Municipality to consider the representation submitted by the petitioners on 28.04.2024 and take enforcement actions, after affording opportunity to the encroachers. In pursuance to the said orders of this Court, notice under Section 128(1)(b) of the Act has been issued. Thus, writ petition against such show cause notice is not entertainable. The petitioners, instead of submitting explanation have chosen to file the writ petition which deserves no merit for consideration. Therefore, the petitioners are at liberty to submit their explanation along with documents, if any, within a period of seven days from today and on receipt of any such explanation, the Commissioner shall look into the written submission along with the documents, if any, and thereafter, continue the enforcement action against all the encroachers and conclude the same within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P.No.52232 of 2025 is ordered and W.M.P.Nos.52233 & 52234 of 2025 are closed.



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

03.12.2025

vsi

Index : Yes

Speaking order : Yes

To

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- 3 The Tahsildar
Mettur Taluk, Mettur,
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