



WEB COPY



W.P.No.46819 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.No.46819 of 2025

and

W.M.P.No.52265 of 2025

H.Mohamed Nayeem

...Petitioner

Vs.

1.The District Collector,
O/o.District Collector Office,
Ranipet, Ranipet District.

2.The Tahsildar,
O/o.Tahsildar Office,
Walaja Taluk, Ranipet District.

3.The Commissioner (Municipality),
Melvisharam Municipality,
Melvisharam, Ranipet.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
for issuance of Writ of Certiorari, calling for the records relating to the



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impugned notice in Na.Ka.No.1658/2025/F1 dated 19.11.2025 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.I.Abdul Basith

For R1 & R2 : Mr.K.Suresh
Government Advocate

For R3 : Mr.P.Ananda Kumar
Government Advocate

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The main ground on which the notice of removal of encroachment dated 19.11.2025 has been issued is that the statutory mandated show cause notice under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1988 (hereinafter referred to as 'the Act'), was not issued.



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3.A perusal of the impugned order does not reveal any prior show

cause notice for removal of the encroachment. Even the 15 days opportunity for the encroacher to respond is also absent in the said impugned order. However, the petitioner, from the various grounds raised in this Writ Petition, appears to have some explanation against the proposed action. In this background, we are of the view that if the present order dated 19.11.2025 is directed to be treated as a show cause notice under Section 128 of the Act and thereby grant opportunity to the petitioner to render his explanation, the ends of justice could be secured.

4.Accordingly, the impugned notice in Na.Ka.No.1658/2025/F1, dated 19.11.2025, is directed to be treated as a show cause notice under Section 128 of the Act and the petitioner is called upon to give his explanation within a period of 15 days from the date of receipt of a copy of this order. On receipt of any such reply to the show cause notice from the petitioner, the respondents herein shall consider it on its own merits and pass appropriate orders in accordance with law.



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No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R.,J] [R.S.V.,J]
27.11.2025

Index: Yes/No

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To

1. The District Collector,
O/o. District Collector Office,
Ranipet, Ranipet District.
2. The Tahsildar,
O/o. Tahsildar Office,
Walaja Taluk, Ranipet District.
3. The Commissioner (Municipality),
Melvisharam Municipality,
Melvisharam, Ranipet.



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M.S.RAMESH, J.

and

R.SAKTHIVEL, J.

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