



W.P(MD)Nos.4322 & 4323 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)Nos.4322 & 4323 of 2025
and
W.M.P(MD)Nos.3100 & 3101 of 2025**

1.W.P(MD)No.4322 of 2025:

Thangaraj

... Petitioner

vs.

1.The District Collector cum Chairperson,
High level Monitoring Committee,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

3.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

4.A.P.Arjunan

... Respondents



W.P(MD)Nos.4322 & 4323 of 2025

WEB COPY (R – 4 is impleaded vide order dated 19.03.2025
in W.M.P(MD)No.5269 of 2025)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice in Na.Ka.No.1607/2021/F1 dated 04.02.2025 issued by the third respondent and quash the same as illegal and consequently forbear the respondents 1 to 3 from evicting or dispossessing the petitioner from Door Nos. 7B and 7C situated in T.S.No.186 in Aandathamman Kovil Street, Rajapalayam, Virudhunagar District.

For Petitioner	: Mr.R.J.Karthick
For RR 1 & 2	: Mr.S.P.Maharajan Special Government Pleader
For R – 3	: Mr.N.Dilip Kumar
For R – 4	: Mr.V.Karthikraja for M/s.Ajmal Associates

2.W.P(MD)No.4323 of 2025:

Ramakrishnan	... Petitioner
vs.	

1.The District Collector cum Chairperson,
High level Monitoring Committee,
Virudhunagar District,
Virudhunagar.



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2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

3.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

4.A.P.Arjunan

... Respondents

(R – 4 is impleaded vide order dated 24.06.2025
in W.M.P(MD)No.5221 of 2025)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice in Na.Ka.No.1607/2021/F1 dated 04.02.2025 issued by the third respondent and quash the same as illegal and consequently forbear the respondents 1 to 3 from evicting or dispossessing the petitioner from Door Nos.1/1, 1/2, 1/3, 1/4 situated in Aandathamman Kovil Street, Rajapalayam, Virudhunagar District.

For Petitioner	: Mr.R.J.Karthick
For RR 1 & 2	: Mr.S.P.Maharajan Special Government Pleader
For R – 3	: Mr.N.Dilip Kumar
For R – 4	: Mr.V.Karthikraja for M/s.Ajmal Associates



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COMMON ORDER

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

The final notices issued under Section 128(2) of the Tamil Nadu Urban Local Bodies Act, 1998, are under challenge in the present writ proceedings.

2.It is not in dispute that action was initiated for the removal of encroachments pursuant to the directions issued by this Court in W.P(MD)No. 19295 of 2021, dated 10.10.2023. Despite the fact that the Court issued directions in the year 2023, on account of multiplicity of proceedings, the authorities are not in a position to remove the encroachments. Raising one ground after another or raising certain untenable grounds, the litigations have been prolonged and such litigious continuance at no circumstances be encouraged by this Court.

3.In the present case, notice was issued to the petitioner in W.P(MD)No.4322 of 2025 and he has also submitted his explanation on 27.12.2024. The said explanation was considered by the authorities and final orders have been passed for removal of encroachments.



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4.The learned counsel appearing for the petitioners would submit that a civil suit has been instituted.

5.However, the pendency of the civil suit is not a bar for the authorities to proceed with the removal of encroachments. Under the guise of a pending civil suit, the petitioners cannot made an attempt to escape from the clutches of the proceedings initiated under the Tamil Nadu Urban Local Bodies Act, 1998.

6.Neither the High Court nor the competent authorities under the Tamil Nadu Urban Local Bodies Act, 1998, are empowered to adjudicate title or ownership of an immovable property. Civil rights are to be established only before a competent civil Court of law. In the present case, the authorities have identified the encroachments in the public land and therefore, initiated action by invoking the provisions of the Tamil Nadu Urban Local Bodies Act, 1998. That being so, this Court finds no infirmity in respect of the actions initiated and the procedures contemplated were followed. Thus, there is no impediment for the



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respondents to proceed with the enforcement action and concluding the same within a period of eight weeks from the date of receipt of a copy of this order.

7.If the District Collector, during the course of enquiry, identifies any fraudulent or other changes made in the revenue records, all suitable actions may be initiated. The petitioners are at liberty to establish their title before the civil Court independently.

8.With these directions, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
24.06.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Collector cum Chairperson,
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- 2.The Tahsildar,
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Rajapalayam,
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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

ps

ORDER MADE IN
W.P(MD)Nos.4322 & 4323 of 2025

DATED : 24.06.2025
(1/2)