



W.P.(MD) No.14769 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

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

**W.P.(MD) No.14769 of 2025
and
W.M.P.(MD) No.11039 of 2025**

G.Balasubramanian

... Petitioner

-vs-

- 1.The District Collector
Tirunelveli
- 2.Commissioner of Municipal Corporation
Tirunelveli
- 3.The District Revenue Officer
Tirunelveli
- 4.The Tahsildar
Palayankottai Taluk Office
Palayankottai, Tirunelveli
- 5.The Assistant Commissioner
Municipal Corporation
Melapalayam Regional Office
Tirunelveli Municipal Corporation
Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue



W.P.(MD) No.14769 of 2025

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a writ of certiorarified mandamus calling records pertaining to the 5th Respondent encroachment notice dated 22.05.2025 issued in Na Ka.No.TP3/4599/2024/ and quash it as illegal and consequently direct the 1st respondent to enter the property as private path in Relevant Revenue Land Records in respect of common path available in the Survey Nos.75/2 and 75/3 of Keela Veeraragavapuram Revenue Village of Palayamkottai Taluk, now renumbered as Block-5, Town Survey No.35 of the 2nd Respondent Municipal Corporation.

For Petitioner : Mr.P.Jeyasankar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notice dated 22.05.2025, issued by Tirunelveli Corporation, under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, is under challenge in this writ petition.

2. The grievance of the petitioner is that no opportunity was given to him to submit his explanation.

3. Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, in unambiguous terms stipulates that a show cause notice is to be issued to the



W.P.(MD) No.14769 of 2025

encroacher before passing orders. Therefore, the impugned notice shall be treated as a show cause notice under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998. The petitioner is at liberty to submit his explanation / defence statement along with the documents, if any, within a period of ten days from the date of receipt of a copy of this order. On receipt of any such explanation from the petitioner, the competent authority shall consider the same, take a final decision and any encroachment or unauthorized construction is identified, the same shall be removed thereafter. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
09.07.2025

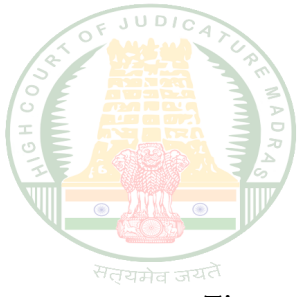
NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1.The District Collector,
Tirunelveli.

2.The Commissioner of Municipal Corporation,



W.P.(MD) No.14769 of 2025

WEB COPY

Tirunelveli.

3.The District Revenue Officer,
Tirunelveli.

4.The Tahsildar,
Palayankottai Taluk Office,
Palayankottai,
Tirunelveli.

5.The Assistant Commissioner
Municipal Corporation,
Melapalayam Regional Office,
Tirunelveli Municipal Corporation,
Tirunelveli.



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W.P.(MD) No.14769 of 2025

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