



**W.P(MD)Nos.15627, 15628, 15629, 15630, 15631, 15632, 15633 & 15634 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.15627, 15628, 15629, 15630, 15631, 15632,  
15633 & 15634 of 2025**

**and**

**W.M.P(MD)Nos.11860, 11861, 11862, 11865, 11869, 11871, 11874, 11875,  
11863, 11864, 11866, 11867, 11868, 11870, 11872 & 11873 of 2025**

**1.W.P(MD)No.15627 of 2025:**

S.Mathan

... Petitioner

vs.

1.The District Collector,  
Collectorate, Thoothukudi District,  
Thoothukudi – 628 101.

2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.

3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.

4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents

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**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.

For Petitioner : Ms.C.Geetha

For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

For R – 4 : Mr.H.Arumugam

**2.W.P(MD)No.15628 of 2025:**

Parthiban

... Petitioner

vs.

1.The District Collector,  
Collectorate,  
Thoothukudi District,  
Thoothukudi – 628 101.

2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.

3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.

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4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents

**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.

For Petitioner : Ms.C.Geetha

For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

For R – 4 : Mr.H.Arumugam

**3.W.P(MD)No.15629 of 2025:**

Selvashanmugasundar

... Petitioner

vs.

1.The District Collector,  
Collectorate,  
Thoothukudi District,  
Thoothukudi – 628 101.

2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.

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3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.

4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents

**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.

For Petitioner : Ms.C.Geetha

For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

For R – 4 : Mr.H.Arumugam

**4.W.P(MD)No.15630 of 2025:**

Balamanikandan

... Petitioner

vs.

1.The District Collector,  
Collectorate, Thoothukudi District,  
Thoothukudi – 628 101.

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2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.

3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.

4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents

**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.

For Petitioner : Ms.C.Geetha

For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

For R – 4 : Mr.H.Arumugam

**5.W.P(MD)No.15631 of 2025:**

Arumugasundar

... Petitioner

vs.



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- 1.The District Collector,  
Collectorate,  
Thoothukudi District,  
Thoothukudi – 628 101.
- 2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.
- 3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.
- 4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents

**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.

|                |                                                  |
|----------------|--------------------------------------------------|
| For Petitioner | : Ms.C.Geetha                                    |
| For RR 1 to 3  | : Mr.M.Sarangan<br>Additional Government Pleader |
| For R – 4      | : Mr.H.Arumugam                                  |



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**6.W.P(MD)No.15632 of 2025:**

Murugan

... Petitioner

vs.

- 1.The District Collector,  
Collectorate,  
Thoothukudi District,  
Thoothukudi – 628 101.
- 2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.
- 3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.
- 4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents

**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.



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For Petitioner : Ms.C.Geetha

For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

For R – 4 : Mr.H.Arumugam

**7.W.P(MD)No.15633 of 2025:**

Muthupatturaja

... Petitioner

vs.

1.The District Collector,  
Collectorate,  
Thoothukudi District,  
Thoothukudi – 628 101.

2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.

3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.

4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents

**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and



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consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.

For Petitioner : Ms.C.Geetha

For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

For R – 4 : Mr.H.Arumugam

**8.W.P(MD)No.15634 of 2025:**

Venkadachalam

... Petitioner

vs.

1.The District Collector,  
Collectorate,  
Thoothukudi District,  
Thoothukudi – 628 101.

2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.

3.The Thasildar,  
Thiruchendur Taluk,  
Thiruchendur.

4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.

... Respondents



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**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 relating to the impugned order passed by the fourth respondent vide proceedings in Na.Ka.No.692/2025/Ap1 dated 22.05.2025 quash the same as illegal and consequently forbear the respondents from evicting the petitioner in Survey No.1523 of Sannathi Street of Arulmigu Subramania Swamy Temple, Thiruchendur without due process of law.

For Petitioner : Ms.C.Geetha  
For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader  
For R – 4 : Mr.H.Arumugam

### **COMMON ORDER**

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

These Writ Petitions have been instituted challenging the final orders passed by the Commissioner, Tiruchendur Municipality, under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998.

2.The learned counsel appearing for the petitioners strenuously contended that no notice or opportunity was provided to the petitioners.

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Therefore, the impugned final orders are in violation of principles of natural justice, as the notices were not addressed to the petitioners.

3.Let us now consider the scope of Section 128 of the Tamil Nadu Urban Local Bodies Act. It provides the power to remove encroachments from public places. Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, reads as under:

*“128.Power to remove encroachment from public place.-(1)*

*The Commissioner may,-*

*(a)remove without any notice any movable temporary structure, enclosure, stall, booth, any article whatsoever hawked, exposed or displayed for sale or any other thing whatsoever by way of encroaching street or public place or the land belonging to or vested with the municipality within the municipal limit;*

*[for the expression 'street or public place or the land' the expression 'street, public place, water body, tank, other water resources or any land' substituted vide Act, 25/2024]*

*(b)remove any immovable structure whether permanent or of temporary nature encroaching the street or public place or the land belonging to or vested with the municipality within the municipal limit, after issuing a show cause notice for such removal, returnable with a period of seven days from the date of receipt thereof:*



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*[(i) for the expression 'street or public place or the land', the expression 'street, public place, water body, tank, other water resources or any land'*

*(ii) for the expression 'seven days', the expression 'fifteen days', substituted vide Act 25/2024]*

*Provided that the Commissioner shall consider any representation received within the time limit, before passing final orders.*

*(2)Whoever makes any encroachment in any land or space (not being private property) in any public street or any land belonging to or vested with the municipality within the municipal limit, shall on conviction be punished with imprisonment which shall not be less than one year but which may extend to three years and with fine which may extend to fifty thousand rupees.*

*Provided that the Court may for any adequate or special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than one year.*

*[for the expression 'any public street or any land', the expression 'any public street, water body, tank, other water resources or any land' substituted vide Act 25/2024] ”*

4.Section 128(1) of the Tamil Nadu Urban Local Bodies Act, 1998, unequivocally stipulates that a show cause notice is to be issued for removal of encroachments or unauthorized constructions before passing a final order, in order to afford an opportunity to the encroachers.

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5.A reading of the impugned final orders in the present Writ Petitions would reveal that show cause notices were issued to the petitioners on 29.04.2025 which has been clearly stated in the final orders. The petitioners were granted 15 days time to submit their explanations. Since no explanations were received from the petitioners, the authorities proceeded to pass final orders for the removal of encroachments. Thus, the very contention of the petitioners that no show cause notices were issued appears to be incorrect.

6.May that as it be, since the matter pertains to the removal of encroachments and in order to provide one more opportunity to the petitioners, this Court is inclined to grant time to the petitioners to submit their explanations.

7.Accordingly, the petitioners are at liberty to submit their explanations, along with supporting documents, if any, to the fourth respondent within a period of ten (10) days from today. On receipt of any such explanations from the petitioners, the fourth respondent same shall consider the same and thereafter, take a final decision. The fourth respondent shall proceed with enforcement action and remove the encroachments within a period of four weeks

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from the date of expiry of the ten-day period granted herein.

8.With these directions, all the 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**

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



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To

- 1.The District Collector,  
Collectorate, Thoothukudi District,  
Thoothukudi – 628 101.
- 2.The Revenue Divisional Officer,  
Thiruchendur Revenue Divisional,  
Thiruchendur – 628 215.
- 3.The Thasildar,  
Thiruchendur Taluk,  
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- 4.The Commissioner,  
Thiruchendur Municipality,  
Thiruchendur.



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**S.M.SUBRAMANIAM, J.**  
**and**  
**DR.A.D.MARIA CLETE, J.**

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**ORDER MADE IN**  
**W.P(MD)Nos.15627, 15628, 15629, 15630,**  
**15631, 15632, 15633 & 15634 of 2025**

**DATED : 24.06.2025**