



W.P.(MD) No.18624 of 2025 etc. batch

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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) Nos.18624, 18625, 18626, 18627, 18628, 18629, 18630 &
18631 of 2025**

and

**W.M.P.(MD) Nos.14283, 14284, 14287, 14286, 14288, 14290, 14292 &
14289 of 2025**

1. W.P.(MD) No.18624 of 2025:

S.Sebastin

... Petitioner

-vs-

1.The Commissioner
Madurai Corporation
Office of the Madurai Corporation
Madurai District

2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram
Madurai

3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai

4.The Director General of Police



W.P.(MD) No.18624 of 2025 etc. batch

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Tamilnadu Police Housing Corporation
132, E.V.R.Salai
Kilpakkam, Chennai-10

5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters
New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 24.06.2025 issued by the 2nd respondent under Section 128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Ms.S.Devasena for R1 to R3

2. W.P.(MD) No.18625 of 2025:

Manonmani

... Petitioner

-vs-

1.The Commissioner



W.P.(MD) No.18624 of 2025 etc. batch

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Madurai Corporation
Office of the Madurai Corporation
Madurai District

2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram
Madurai

3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai

4.The Director General of Police
Tamilnadu Police Housing Corporation
132, E.V.R.Salai
Kilpakkam, Chennai-10

5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters
New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 24.06.2025 issued by the 2nd respondent under Section 128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the



W.P.(MD) No.18624 of 2025 etc. batch

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petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Ms.S.Devasena for R1 to R3

3. W.P.(MD) No.18626 of 2025:

Varatharajan

... Petitioner

-vs-

- 1.The Commissioner
Madurai Corporation
Office of the Madurai Corporation
Madurai District
- 2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram
Madurai
- 3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai
- 4.The Director General of Police
Tamilnadu Police Housing Corporation
132, E.V.R.Salai
Kilpakkam, Chennai-10
- 5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters



W.P.(MD) No.18624 of 2025 etc. batch

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New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 24.06.2025 issued by the 2nd respondent under Section 128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Ms.S.Devasena for R1 to R3

4. W.P.(MD) No.18627 of 2025:

V.Vijaya

... Petitioner

-vs-

1.The Commissioner
Madurai Corporation
Office of the Madurai Corporation
Madurai District

2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram



W.P.(MD) No.18624 of 2025 etc. batch

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Madurai

- 3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai
- 4.The Director General of Police
Tamilnadu Police Housing Corporation
132, E.V.R.Salai
Kilpakkam, Chennai-10
- 5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters
New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 24.06.2025 issued by the 2nd respondent under Section 128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Ms.S.Devasena for R1 to R3



W.P.(MD) No.18624 of 2025 etc. batch

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5. W.P.(MD) No.18628 of 2025:

S.Peer Mohamed

... Petitioner

-VS-

- 1.The Commissioner
Madurai Corporation
Office of the Madurai Corporation
Madurai District
- 2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram
Madurai
- 3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai
- 4.The Director General of Police
Tamilnadu Police Housing Corporation
132, E.V.R.Salai
Kilpakkam, Chennai-10
- 5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters
New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the



W.P.(MD) No.18624 of 2025 etc. batch

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impugned notice dated 24.06.2025 issued by the 2nd respondent under Section 128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Mr.S.Vinayak for R1 to R3

6. W.P.(MD) No.18629 of 2025:

Prasanna Mary

... Petitioner

-vs-

1.The Commissioner
Madurai Corporation
Office of the Madurai Corporation
Madurai District

2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram
Madurai

3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai



W.P.(MD) No.18624 of 2025 etc. batch

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4.The Director General of Police
Tamilnadu Police Housing Corporation
132, E.V.R.Salai
Kilpakkam, Chennai-10

5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters
New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 24.06.2025 issued by the 2nd respondent under Section 128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Mr.S.Vinayak for R1 to R3

7. W.P.(MD) No.18630 of 2025:

M.Alexander

... Petitioner

-vs-



W.P.(MD) No.18624 of 2025 etc. batch

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- 1.The Commissioner
Madurai Corporation
Office of the Madurai Corporation
Madurai District
- 2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram
Madurai
- 3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai
- 4.The Director General of Police
Tamilnadu Police Housing Corporation
132, E.V.R.Salai
Kilpakkam, Chennai-10
- 5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters
New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 24.06.2025 issued by the 2nd respondent under Section



W.P.(MD) No.18624 of 2025 etc. batch

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128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Mr.S.Vinayak for R1 to R3

8. W.P.(MD) No.18631 of 2025:

Ponnumalai

... Petitioner

-vs-

- 1.The Commissioner
Madurai Corporation
Office of the Madurai Corporation
Madurai District
- 2.The Assistant Commissioner
Vth Zone
West Thiruparangkundram
Madurai
- 3.The Assistant Engineer
Vth Zone
West Thiruparangkundram
Madurai
- 4.The Director General of Police
Tamilnadu Police Housing Corporation



W.P.(MD) No.18624 of 2025 etc. batch

WEB COPY

132, E.V.R.Salai
Kilpakkam, Chennai-10

5.The Executive Engineer
Tamilnadu Police Housing Corporation
Inspectors Quarters
New Natham Road
TSP, 6th Battalion Campus
Madurai-14

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 24.06.2025 issued by the 2nd respondent under Section 128(1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act 2022, and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Mr.S.Vinayak for R1 to R3

COMMON ORDER

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

These writ petitions have been instituted challenging the final orders, all dated 24.06.2025, passed by the second respondent, under Section



W.P.(MD) No.18624 of 2025 etc. batch

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128 (1, 2) of the Tamilnadu Urban Local Bodies (Amendment) Act, 2022 (hereinafter, referred to as “the Act, 2022”).

2. It is not in dispute that show cause notices were issued to the petitioners by the Madurai Corporation *vide* proceedings dated 19.03.2025. In response to the said notice, some of the petitioners have submitted their representation / explanation to the authority concerned. Thereafter, the authority concerned identified the encroachments and considered the representations submitted. If at all any of the petitioners have not submitted their representation / explanation in response to the show cause notice, it is presumed that they have not availed the opportunity as provided by the authority concerned under the said Act. Thus, they cannot claim any further opportunity, as they had not availed the earlier opportunity granted to them. That being the factum, no further consideration is required in the case on hand. The authority concerned, after considering the explanation and considering the fact that the petitioners are found to be encroachers, issued the impugned final orders under Section 128 of the Act, 2022.

3. Learned counsel for the petitioners would submit that no



W.P.(MD) No.18624 of 2025 etc. batch

WEB COPY

further opportunity was granted to the petitioners or no detailed enquiry was conducted by the authority concerned.

4. Section 128 of the Act, 2022, 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:

[(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'



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W.P.(MD) No.18624 of 2025 etc. batch

(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]"

5. The above provision of the Act, 2022, in unambiguous terms stipulates that a show cause notice is to be issued for removal of encroachments. The alleged encroachers may submit an explanation to the



W.P.(MD) No.18624 of 2025 etc. batch

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show cause notice. The said explanation is to be considered by the authority concerned for taking a final decision.

6. In the present case, an opportunity was granted to the petitioners and some of the petitioners submitted their representation / explanation and some of the petitioners have not submitted their representation / explanation and a final decision was taken by the authority concerned and final orders were passed, which are impugned in the present writ petitions. In such circumstances, if any of the petitioners claim any right, title or ownership, they have to approach the competent civil court for appropriate relief and that being the principle to be followed, this Court finds no infirmity or illegality in the impugned orders passed by the second respondent.

7. With the above observation, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

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

09.07.2025



W.P.(MD) No.18624 of 2025 etc. batch

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

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W.P.(MD) No.18624 of 2025 etc. batch

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

krk

W.P.(MD) Nos.18624, 18625, 18626,
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and

W.M.P.(MD) Nos.14283, 14284, 14287,
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of 2025

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