



W.P.(MD)No.20708 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.20708 of 2025

and

W.M.P.(MD)Nos.16039 & 16041 of 2025

1.Sigappi
2.Pandisamy

... Petitioners

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Karaikudi Taluk, Sivagangai District.

3.The Executive Officer,
Kandanoor Town Panchayat,
Kandanoor, Karaikudi Taluk,
Sivagangai District.

4.Nagarajan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice issued by the 3rd respondent by his proceedings in Na.Ka.No.172/2025, dated 05.06.2025 and quash the same as illegal.



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For Petitioners : Mr.T.Lenin Kumar
For R1 to R3 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

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

This Writ Petition has been instituted, challenging the 3rd notice issued by the 3rd respondent under Section 128 of Tamil Nadu Urban Local Bodies Act (hereinafter referred to as 'the Act').

2.The 4th respondent earlier filed W.P.(MD)No.8602 of 2025, seeking for a direction for removal of the encroachment made by the writ petitioners herein. The said Writ Petition was disposed of by this Court, vide order dated 27.03.2025, directing the respondents therein to consider the representation of the writ petitioners and pass appropriate orders on merits. In compliance of the said order, the authorities competent have conducted inspection, survey and identified the encroachment made by the writ petitioners. Thus, notice was issued under Section 128 of the Act. The said notice *per se* would not provide a cause to the writ petitioners, but the writ petitioners state that no show cause notice was issued to them, enabling them to submit their explanations.



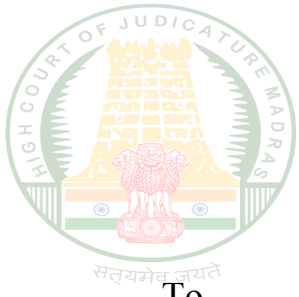
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3. In view of the above, without going into the merits of the case and with a view to provide one more opportunity to the petitioners, this Court is inclined to treat the impugned notice issued by the 3rd respondent dated 05.06.2025 as a show cause notice, enabling the petitioners to submit their explanations within a period of one week from today (30.07.2025). Therefore, the petitioners are at liberty to submit their explanations within a period of seven (7) days from today to the competent authority, who in turn, on receipt of such representation, may look into the same, take a final decision, continue the enforcement action and remove the encroachment identified without causing any undue delay. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)
30.07.2025
(2/2)

NCC : Yes / No
Index : Yes / No
Yuva



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To

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S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

Yuva

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