



W.P.(MD)No.25389 & 29045 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)Nos.25389 and 29045 of 2025

and

C.M.P.(MD)No.22519 of 2025

1.W.P.(MD)No.25389 of 2025:

T.Ramachandran

... Petitioner

Vs.

1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Melapalayam Municipal Corporation Zone,
Melapalayam,
Tirunelveli.

3.The Revenue Divisional Officer,
Palayamkottai,
Tirunelveli.

4.The Town Surveyor,
Palayamkottai Taluk,
Tirunelveli.

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5.Esther

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to remove the encroachment made by the fifth respondent in AT Block 12, T.S.No.30 in Melapalayam Municipal Corporation Zone, Tirunelveli based on the petitioner's representation dated 15.02.2023.

For Petitioner : Mr.S.Suresh Manickam

For Respondents : Mr.S.P.Maharajan (R1 & R2)
Special Government Pleader

: Mr.M.Sarangan (R3 & R4)
Additional Government Pleader

: Mr.C.Saravanakumar (R5)

2.W.P.(MD)No.29045 of 2025:

R.Esther Selvam

... Petitioner

Vs.

1.The District Collector/Monitoring Committee,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.The Revenue Divisional Officer,
Tirunelveli Sub Division, Tirunelveli.



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4.The Assistant Commissioner,
Melapalayam Municipal Corporation,
Melapalayam, Tirunelveli.

5.The Town Surveyor,
Palayamkottai Taluk,
Tirunelveli.

6.T.Ramachandran

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned show cause notice dated 04.10.2025 in Na.Ka.No.TP3/4266/2025 under Section 128(1)(b) and 128(2) of Tamil Nadu Urban Local Bodies Act, 1988 issued by the fourth respondent and quash the same as illegal and consequently directed the respondents 1 to 5 to correct the erroneously shown North-Western part of the petitioner's Town Survey No.26/2 as pathway and re-survey, revise the FMB Sketch for AT Ward, Block 12, Amutha Beet Nagar, Kelaveeragavapuram Village, Melapalayam, Palayamkottai Taluk, Tirunelveli District by considering the petitioner's representation dated 03.01.2024.

For Petitioner : Mr.C.Saravanakumar

For Respondent : Mr.S.P.Maharajan (R1, R3 & R5)
Special Government Pleader

: Mr.M.Sarangan (R2 & R4)
Additional Government Pleader

: Mr.S.Suresh Manickam (R6)



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COMMON ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Since the cause of action is one and the same, these Writ Petitions are taken up together and disposed by a common order.

2.As far as W.P(MD)No.25389 of 2025 is concerned, one Mr.T.Ramachandran, seeks a Mandamus directing the second respondent to remove the encroachment in AT Block 12, T.S.No.30, Melapalayam Municipal Corporation Zone, Tirunelveli. In that Writ Petition, Mrs.Esther is arrayed as R5.

3.For her part, Mrs.Esther has instituted W.P(MD)No.29045 of 2025, challenging the notice issued by the fourth respondent under Section 128(1)(b) and 128(2) of the Tamil Nadu Urban Local Bodies Act, 1998 (in short 'Act'), dated 04.10.2025.

4.Mr.Maharajan, learned Special Government Pleader points out that a reply has been solicited from the petitioner and hence there is no prejudice caused to her at this juncture.

5.The petitioner is therefore directed to give a reply to the notice dated 04.10.2025 issued under Section 128(1)(b) and 128(2) of the



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Act, within a period of two weeks from today. Let the petitioner be heard and the proceedings be taken to their logical conclusion in accordance with law.

6.Learned counsel appearing for petitioner in W.P(MD)No.25389 of 2025 files a memo seeking amendment of the T.S number set out in the prayer from T.S.No.30 to T.S.No.24/2. The memo filed today is taken on file and reads as follows:

'In the above matter upon hearing along with W.P(MD)No.29045 of 2025 the arguments of the counsels. This Hon'ble High Court ordered to removal encroachment if within a period of 8 weeks and direct us to file a memo to modify in respect of TS Number. Hence, TS No.30 may be mentioned as to TS.No.24/2. To that effect this memo has been filed and the same may be recorded.'

7.In light of the above, the description of subject property stands amended to AT Block No.12, T.S.No.24/2, Melapalayam Municipal Corporation zone, Tirunelveli.

8.Learned counsel for petitioner in W.P(MD)No.25389 of 2025 urges that effective action be taken, as proceedings had been initiated as early as on 05.03.2024 styled as 'இறுதி அறிவிப்பு', despite which the matter is still hanging fire.



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9.His grievance is well received, as the records indicate that the proceedings have been hanging fire from 05.03.2024 onwards and there is no justification for such prolonged delay, contrary to the norms for removal of encroachments. The authorities shall ensure that necessary action is taken in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

10.Mr.M.Sarangan, learned Additional Government Pleader, points out that the delay has been occasioned by virtue of pendency of O.S.No.135 of 2024 before the District Court, Tirunelveli, filed at the instance of Mrs.Esther arraying the authorities alone as defendants. However, he points out that there is no interim order obtained from the civil Court, in which case, nothing prevents the authorities from taking action under the provisions of the statute.

11.These Writ Petitions are disposed. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
18.11.2025

NCC : Yes/No
Index : Yes/No
ps



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- 1.The District Collector/Monitoring Committee,
Tirunelveli District, Tirunelveli.
- 2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tirunelveli Sub Division, Tirunelveli.
- 4.The Assistant Commissioner,
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