



WEB COPY

WP No. 260 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 260 of 2023
and W.M.P.Nos.254 & 256 of 2023**

R.Velumani

..Petitioner(s)

Vs

1. The Commissioner
Coimbatore City Municipal Corporation,
Coimbatore 641 001.
2. The Assistant Executive Engineer (Planning)
Coimbatore West Zone,
Coimbatore City Municipal Corporation
Coimbatore.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 2nd Respondent dated 16.12.2022 and quash the same and consequently Forebear the Respondents from interfering with the peaceful possession of the property of the petitioner in Door No. 5 / 36, KG Layout 2nd Cross Church Road K K Pudur, Coimbatore-46 without following the due process of law.

For Petitioner(s):

Mr.C.Vigneswaran

For Respondent(s):

Mr.Velmurugan, standing counsel
for RR-1 & 2



ORDER

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Aggrieved by the order of eviction passed by the 2nd respondent, the petitioner is before this Court.

2. It is the case of the petitioner that he purchased the subject property through his predecessors in title for a valuable sale consideration of Rs.2,70,000/- under a registered Sale Deed in Doc No.1273 of 1993 on the file of the Sub Registrar Gandhipuram, Coimbatore. The patta in respect of the said property stands in the name of the petitioner and that he claims to be in lawful possession and enjoyment thereof. Whiles, a notice of eviction dated 04.05.2022 was issued by the respondents under Section 285(4) and 441 of the Coimbatore City Municipal Corporation Act, 1981 that the petitioner was an encroacher. Though the petitioner had submitted a detailed explanation to the said notice, however, without considering the same, the respondents had proceeded to the impugned eviction order. Aggrieved by the said action, the petitioner has come forward with the present Writ Petition.

3. Learned counsel appearing for the petitioner submitted that though the petitioner had furnished a suitable explanation to the earlier notice issued by the respondents, the same was not taken into consideration. It is further submitted



that the present impugned order has come to be passed without affording any opportunity of hearing to the petitioner thereby violating the principles of natural justice. Accordingly, he prayed for allowing the Writ Petition.

4. Learned standing counsel appearing for the respondents submitted that the impugned eviction order may be treated as a show cause notice to which, the petitioner may be directed to give suitable reply within the time that may be stipulated by this Court.

5. The petitioner has challenged the impugned order of eviction on the ground that it was passed without affording any opportunity to the petitioner thereby violating the principles of natural justice. It was also submitted that the explanation submitted by the petitioner in response to the earlier notice was not considered by the respondents. In view of the aforesaid circumstances, this Court deems it appropriate to treat the impugned eviction order as a show cause notice. Accordingly, the petitioner is directed to submit his explanation within a period of one week from the date of receipt of a copy of this order. Upon receipt of such explanation, the 1st respondent is directed to consider the same on its own merits, in accordance with law and thereafter, pass appropriate orders on the same within a period of six weeks thereafter.



M.DHANDAPANI, J.

NHS

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6. The writ Petition stands disposed of in the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

NHS

To

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Coimbatore West Zone,
Coimbatore City Municipal Corporation,
Coimbatore.

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