



WEB COPY

W.P.No.5440 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.5440 of 2026

and

W.M.P.No.5964 of 2026

Viswam Rajam Manor Flat Owners Welfare Association,
Registered under the Tamil Nadu Societies Registration
Sl.No.SRG/Chennai South/236/2019,
Rep. by its Secretary Mr.Mariappan,
322, Sri Ganapathy Nagar Colony,
Nookampalayam Road, Semmencherry Village,
Sholinganallur, Chennai – 600 119.

... Petitioner

-VS-

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur, Chennai – 600 119.
- 3.The Regional Deputy Commissioner,
Greater Chennai Corporation,
Regional Office South,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai – 600 020.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to praying to issue a Writ of Certiorarified Mandamus, calling for the records from the 3rd respondent relating to the notice bearing No.Z.O.XV.C No./B2/5600/2025 dated 24.11.2025 and quash the same as illegal, arbitrary, malafide, contrary to Section 128 of the Tamil Nadu Urban Local Bodies Act and consequently direct the 3rd respondent to consider the reply of the petitioners Association dated 07.12.2025.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.D.Ravichander
Spl. Govt. Pleader for R1 & R2

Mr.G.T.Subramanian,
Standing Counsel for R3

ORDER

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

The Writ on hand has been instituted challenging the notice issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 [hereinafter referred to as “the Act.”]

2. Section 128(1)(a) deals with un-authorized movable temporary structure, stall, booth etc., and its removal without any notice of the Commissioner Corporation.



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3. Section 128(1)(b) enumerates that *“the Commissioner may remove any immovable structure whether permanent or of temporary nature encroaching the street or public place of the land belonging to or vested with the municipality within the municipal limit, after issuing a show cause notice for such removal, returnable within a period of seven days from the date of receipt thereof:*

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

4. Mr.L.Chandrakumar, learned counsel for the petitioner Association would submit that the petitioners have not encroached upon the land.

5. Per contra, the learned Standing Counsel as well as the learned Special Government Pleader appearing for the Corporation and the Revenue Department would oppose by stating that it is a street and encroachments by few persons are identified including by an University. The Authorities are in the process of laying a link road between Thalambur Village and Semmancherry main road. The location is situated in IT corridor nearby Chennai city. Therefore, creation of link road would be of paramount importance in the public interest. The Authorities have decided to de-congest traffic in main road at Sholinganallur. The Authorities have



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identified encroachments in the street (originally recorded as “cart track” in revenue records). While conducting survey, encroachments are identified and notice came to be issued.

6. The learned counsel for the petitioner Association would further submit that the petitioners have already submitted their representation along with documents, which has not been considered by the Authorities.

7. If so, the Authorities shall consider the said representation, as well as the documents produced by the petitioners and take a final decision regarding the encroachments and thereafter proceed with the enforcement action by following all further procedures.

8. The grounds raised in the present Writ Petition is that the documents produced were not considered and the petitioners are not encroachers. These grounds may be looked into by the competent Authorities and if necessary, conduct further survey and thereafter proceed with the enforcement actions for removal of encroachments and create a link road for the benefit of the public at large. Public projects relating to laying of roads at no circumstances be delayed.



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9. Therefore, the present impugned notice issued under Section 128 of the Act would not provide any cause for institution of Writ proceedings, since the petitioners have submitted a representation and the Authorities are in the process of considering such representation.

10. In view of the said factum, the Writ Petition deserves no further consideration and stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S,J.,) (C.K,J.,)
17.02.2026

Index: Yes / No
Internet: Yes / No
dsa

To:

- 1.The District Collector,
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Kancheepuram.
- 2.The Tahsildar,
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