



WEB COPY

WP Nos. 11550 and 11554 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P. Nos. 11550 and 11554 of 2026

and W.M.P.No.12601 and 12606 of 2026

P.Vijaya
C/o.Pandurangan,
No.19, Union Office Road,
Thirukkoilur, Kallukurichi,
Tamil Nadu-605 757.

..Petitioner in
W.P.No.11550 of 2026

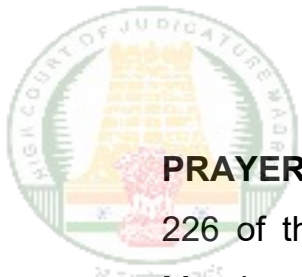
E.Lakshmi
W/o.Ezhumalai,
No.8, Mada Street,
Thirukkoilur, Kallakurichi,
Tamil Nadu – 605 757.

..Petitioner in
W.P.No.11554 of 2026

Vs

1. The District Collector
Kallakurichi District.
2. The Commissioner
Thirukovilur Municipality,
Kallakurichi District.

..Respondent(s) in both
W.Ps.



PRAYER in W.P.No.11550 of 2026: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Show Cause Notice dated 13.02.2026 issued in Na.Ka. No.593/F1/ 2023 on the file of the 2nd respondent and to quash the same and to forbear the respondents from, in any manner, evicting the petitioner or demolishing her residential house and flower shop situated at No.19, Union office Road, Thirukovilur, Kallakurichi without due process of law.

PRAYER in W.P.No.11554 of 2026: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Show Cause Notice dated 13.02.2026 issued in Na.Ka. No.593/F1/ 2023 on the file of the 2nd respondent and to quash the same and to forbear the respondents from, in any manner, evicting the petitioner or demolishing the petitioner's flower shop situated at No.19, Union office Road, Thirukovilur, Kallakurichi without due process of law.

For Petitioner(s) Ms. Sasi.V

in both W.Ps.:

For Respondent(s) Mr.D.Ravichander

in both W.Ps. Special Government Pleader for R1

Dr.T.Seenivasan
Special Government Pleader for R2



COMMON ORDER

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

The notices issued under Section 128(1)(b)(2) of the Tamil Nadu Urban Local Bodies Act, 1998, are under challenge in the present Writ Petitions.

2. Admittedly, the petitioners have submitted their explanations on 25.02.2026, respectively. The grievance of the petitioners is that, before taking a final decision, the authority is attempting to evict the petitioners. It is needless to state that the procedures contemplated under Section 128 of the Tamil Nadu Urban Local Bodies Act, must be scrupulously followed by the authority. The statute mandates that any representation received within the prescribed time limit shall be considered by the authority or the officer concerned before passing final orders. Thus, the competent authority has to pass the final orders before initiating any enforcement action for the removal of encroachments.

3. The learned counsel for the petitioner would submit that the impugned notice reveals that the alleged encroachment is identified within a water body. The Commissioner of the Municipality shall verify the said contention raised by the learned counsel for the petitioner and if it is found to be a water body, he has to take necessary action to remove the



encroachments from the water body by submitting an appropriate report to the competent authority under the relevant provisions of the Act and Rules. If it is not a water body, then there is no impediment for the Commissioner to proceed under the provisions of Tamil Nadu Urban Local Bodies Act.

4. With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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

26-03-2026

Index: Yes

Asi

To

1. The District Collector
Kallakurichi District.
2. The Commissioner
Thirukovilur Municipality,
Kallakurichi District.



WEB COPY

WP Nos. 11550 and 11554 of 2



S.M.SUBRAMANIAM, J.

AND

K.SURENDER, J.

Asi

**W.P. Nos. 11550 and 11554 of 2026
and W.M.P.No.12601 and 12606 of 2026**

26-03-2026