



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 12727 of 2022

and

WMP No. 12187 of 2022

1. V.Thangamani
S/o. Venkatesan, No.2A, Gangaianman Koil street, Melayyampettai Village, Kalambur post, Aliyabath Madura, Polur Taluk, Thiruvannamalai District
2. G.Perumal
S/o. Ganesan, No. 5/1, Gangaianman Koil street, Melayyampettai Village, Kalambur post, Aliyabath Madura, Polur Taluk, Thiruvannamalai District
3. C.Kuttiyappan
S/o. Chinnaraj, No.11, Gangaianman Koil street, Melayyampettai Village, Kalambur post, Aliyabath Madura, Polur Taluk, Thiruvannamalai District
4. M.Palaniyandi
S/o. Munusami, No.8, Gangaianman Koil street, Melayyampettai Village, Kalambur post, Aliyabath Madura, Polur Taluk, Thiruvannamalai District
5. P.Balaraman
S/o. Pakkali, No.11, Gangaianman Koil street, Melayyampettai Village, Kalambur post, Aliyabath Madura, Polur Taluk, Thiruvannamalai District
6. R.Ganesan
S/o. Renu Gounder, No. 16, Gangaianman Koil street, Melayyampettai Village, Kalambur



post, Aliyabath Madura, Polur Taluk,
Thiruvannamalai District

7. K.Manoharan
S/o. Kuppan, No.11, Gangaianman Koil street,
Melayyampettai Village, Kalambur post,
Aliyabath Madura, Polur Taluk,
Thiruvannamalai District
8. R.Kasiyammal
W/o. Rajagopal, No.4, Gangaianman Koil
street, Melayyampettai Village, Kalambur post,
Aliyabath Madura, Polur Taluk,
Thiruvannamalai District
9. K.Govindasami
S/o. Kannan, No.11, Gangaianman Koil street,
Melayyampettai Village, Kalambur post,
Aliyabath Madura, Polur Taluk,
Thiruvannamalai District

..Petitioner(s)

Vs

1. The District Collector
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer
Arni, Thiruvannamalai District
3. The Tahsildar
Polur,
Thiruvannamalai District
4. The Executive Officer
Selection Grade Town Panchayat,
Kalambur 606 903, Thiruvannamalai District
5. J.Rajkumar
S/o. K.Jegadeesan, No.28/1, Road Street, Mel
Ayyambettai (Aliyabath Village) Kalambur post
606 903, Polur Taluk, Thiruvannamalai District

..Respondent(s)

To call for records on the file of the impugned order passed by the 4th
respondent herein vide his proceedings in Na.Ka.No. 11/2011 dated



27.04.2022 and quash the same is arbitrary, unreasonable, being violative of rules and principles of natural justice

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For Petitioner(s): Mr.,A.R.Suresh
For Respondent(s): Mr.T.Arunkumar,
Addl.G.P. for R1 to R4
Mr.G.Sai Narayanavasan
for Mr.V.R.Appaswamee for R5

ORDER

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

The notice dated 27.04.2022 issued by the Executive Officer, Kalampur Town Panchayat is under challenge in the present writ proceedings.

2. Learned counsel for the petitioner would submit that the authority has not mentioned under which provision of law, the impugned notice has been issued.

3. Learned Additional Government Pleader would submit that by stating wrong quoting or misquoting of provision would not vitiate the notice and since the Executive Officer of Town Panchayat had issued the impugned notice, it is under Section 128 of the TamilNadu Urban Local Bodies Act, 1998.

4. Section 128(1)(b) of the Act enumerates that the Commissioner may remove any immovable structure whether the permanent or of temporary nature encroaching the streets or public place or the land vested with the Municipality within the municipal limit, after issuing a show cause notice for such removal within 7 days from the date of receipt thereon. Therefore, 7 days time is granted either to vacate the encroached portion by the encroachers or to submit an explanation along with the documents, if any, to the authority for



consideration. In the event of not submitting any explanation, the Executive Officer is empowered to proceed with the enforcement action and remove the encroacher. If any explanation is submitted by the encroachers, then it is to be considered by the competent authority and thereafter, the decision is to be taken for removing the encroachments. This being the scope of Section 128 of the Act, the petitioner herein is at liberty to submit his explanation along with the documents, if any, within a period of 10 days from the date of receipt of a copy of this order. On receipt of such representation, the 4th respondent shall consider the same and take a final decision thereafter and proceed with the enforcement action for removing the encroachments and to resume the public property. Such exercise is directed to be completed within a period of 12 weeks from the date of receipt of copy of this order.

5. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
11-03-2026

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

VSI

To

1. The District Collector
Thiruvannamalai District, Thiruvannamalai
2. The Revenue Divisional Officer
Arni, Thiruvannamalai District



3. The Tahsildar
Polur, Thiruvannamalai District
4. The executive Officer
Selection Grade Town Panchayat,
Kalambur 606 903, Thiruvannamalai District



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

vsi

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