



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 13162 of 2017

AND

WMP NO. 34932 OF 2017, WMP NO. 14154 OF 2017, WMP NO. 3144 OF 2018

The Udumalpet Recreation
Club, Rep. by its Secretary, M.Gururaja Moorthy,
Kalpana Road, Udumalpet, Tiruppur District.

..Petitioner(s)

Vs

1. The Estate Officer Cum
Municipal Commissioner, Udumalpet
Municipality, Udumalpet, Tiruppur District.
2. J.Thambi Prabakaran,
S/o. Jayapalraj, 62, Sapeya Layout, Udumalpet,
Tiruppur Taluk. (R2 IMPEADED VIDE
ORDER DATED 10.03.2026 MADE IN
WMP.33782/2017 IN WP.13162/2017 BY GJJ,
RSVJ)
3. S.Karthikeyan,
S/o. N.Shanmugam, No.9/287/3, R.V.Nagar,
Bodipettai, Udumalaipettai.
4. T.Gopinathan,
S/o. Thangavel, No.1, Venkatesa Lay Out,
Ramasamy Nagar, Udumalaipettai.
5. S.Santharam,
S/o. A.Subramani, No.24A, Sardar Road
Extension, Udumalaipettai.
6. M.Mohammed Sheriff,
S/o. Mohammed Ghouse, 24A/1, Ansari Street,
Udumalaipettai. (R3 TO R6 IMPEADED
VIDE ORDER DATED 10.03.2026 MADE IN



WMP.2531/2019 IN WP.13162/2017 BY GJJ,
RSVJ)

..Respondent(s)

Prayer: This Writ Petition is filed to issue a Writ of Certiorari, calling for the records of the Respondent relating to the Notice dated 13.05.2017 in Form-A under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 against the petitioner and quash the same.

For Petitioner(s): M/s.A.Ram Kumar
Ar.Karthik Lakshmanan

For Respondent(s): M/s.A.S.Thambuswamy and B.Anand For R1
M/s. Ponraj-R2
M/s. V.G.SURESHKUMAR- R3 TO R6

Order

(Order of the Court was made by Dr.G.Jayachandran J.)

1. This Writ Petition is filed, challenging the notice, issued by the 1st Respondent, dated 13.05.2017 in Form-A, under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupant) Act, 1975.
2. The reading of the impugned notice indicates that the Udumalpet Municipality had caused the notice under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupant) Act, 1975, holding that the land and building in occupation of the Writ Petitioner belongs to the Municipality and it is a public premise. However, it is now brought to our notice that the Writ Petitioner had filed a suit for declaration in OS.No.111 of 2013, on the file of the Sub Court, Udumalpet and got an exparte decree in his favour, declaring the title, by way of adverse possession.
3. It is brought to our notice that the Municipality, after substantial delay, had



tried to set aside the exparte decree, by filing an application, under Section 5 of the Limitation Act. However, the same was dismissed. Further Revision in CRP.No.2086 of 2023, filed by the Municipality before the High Court, was also dismissed on 10.10.2025. It is also brought to our notice that the Municipality had also caused a notice to the Writ Petitioner, under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, for removal of the unauthorised construction, put up by the Writ Petitioner, upon the said land.

4. The learned counsel for the 1st Respondent, Municipality submits that the challenge to the said order before the High Court was dismissed and the statutory appeal filed by the Writ Petitioner under Section 80 of the Tamil Nadu Town and Country Planning Act, 1971 got disposed of, subject to the outcome of the present Writ Petition in WP.No.13162 of 2017.
5. While that being so, it appears that as an interim direction, the 1st Respondent was directed to consider the rectification application of the Recreation Club and till then, to keep the lock and seal operation, initiated under the Tamil Nadu Town and Country Planning Act, 1971, in abeyance. We are of the view that interference in the action taken by the Respondents under the Tamil Nadu Town and Country Planning Act, 1971, when the Writ Petition is confined to the notice, issued under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupant) Act, 1975, is apparently unwarranted. However, we are not inclined to discuss more about the interim order.



6. In so far as this Writ Petition is concerned, since the Civil Court Decree has conferred title to the Writ Petitioner in respect of the land, unless and until the said decree is set aside, reversed or declared as null and void, it binds all the parties. Therefore, the action under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupant) Act, 1975, is not sustainable. If there is any deviation in the planning permission or no planning permission for the building, it is always open to the appropriate Authorities to take action under law. Any interim order or direction passed in this Writ Petition in respect of the notice issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 or any other action taken under the Tamil Nadu Town and Country Planning Act, 1971, will have no effect.

7. With the above observations, this Writ Petition, challenging the impugned notice, dated 13.05.2017, issued under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupant) Act, 1975, stands disposed of. There is no order as to costs. Consequently, the connected WMPs are closed.

(G.J.,J.) (S.S.A.,J.)
02-04-2026

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

SRCM



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WP No. 13162 of 2



**DR.G.JAYACHANDRAN J.
AND
SHAMIM AHMED J.**

SRCM

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WMP NO. 34932 OF 2017, WMP NO. 14154 OF 2017, WMP NO. 3144 OF
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