



WEB COPY

WP No. 39029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE Mr JUSTICE **S. M. SUBRAMANIAM**

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP No. 39029 of 2025

AND

WMP NOS.43731 & 43732 OF 2025

1. M.Annamalai
S/o.Munusamy,
No.4, Visvalinga Layout Street,
Villupuram -605 602

Petitioner(s)

Vs

1. The Commissioner
Villupuram Municipality,
Villupuram -605 602

2.The Tahsildar
Villupuram Taluk,
Villupuram -605 602

3.A.Sivaji
S/o.Late.V.Appadurai,
No.60, Hospital Road,
Villupuram-605 602.

Respondent(s)



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PRAYER:- Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the 1st respondent in proceedings in Na.Ka.No.4950/2025 F1 dated 19.9.2025 and quash the same as illegal, arbitrary and non -est in law.

For Petitioner(s): Ms.Aksharaa.G.
For Mr.S.Mohamed Uduman

For Respondent(s): Mrs.S.Indhu Bala,
AGP For R1.
Mr.T.Arun Kumar,
AGP For R2.
Mr.S.Baskaran For R3.

ORDER

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

The present writ petition has been instituted challenging the final notice dated 19.09.2025 issued under Section 128(1)(b)(2) of the Tamil Nadu Urban Local Bodies Act, 1998. The present writ petition is the second round of litigation, as far as the petitioner is concerned. Initially, the 3rd respondent Mr.A.Sivaji filed a writ petition in WP.No.18069 of 2025 seeking a direction against the Municipal Commissioner to remove the encroachment put up by the writ petitioner herein measuring 15” X 15” in Visvalinga Pather Layout Road, Villupuram. This Court passed an order on 03.06.2025 directing the



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respondents to conduct survey and thereafter, initiate action for removal of encroachment if any found. In pursuance to the order of this Court, notice was issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 on 18.07.2025. The petitioner submitted his representation to the Municipal Commissioner on 28.07.2025. Thereafter, enforcement action commenced. The petitioner filed a writ petition in WP.No.31066 of 2025 challenging the notice dated 18.07.2025 issued under Section 128 of Tamil Nadu Urban Local Bodies Act, 1998. The said writ petition was disposed of by the Division Bench of this Court on 20.08.2025 elaborately considering the claim of the petitioner as well as the respondents. Further opportunity was granted to the petitioner to submit his representation along with the documents if any. In the event of failure on the part of the petitioner to submit representation, the Authorities are permitted to pass final orders and initiate enforcement actions, if any encroachments are identified.

2.The learned Additional Government Pleader would submit that again survey was conducted and it is a lay out formed and the subject portion of the land has been stated as “Street” for public usage. Since it is identified as a “street” as per the lay out formed, final notice was once again issued under



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Section 128 of the Tamil Nadu Urban Local Bodies Act vide proceedings dated 19.09.2025. Challenging the said notice, once again the present writ petition has been filed. Thus, the present writ petition is a re-litigation and the petitioner is attempting to re-adjudicate the issue already considered by this Court elaborately in WP.No.31066 of 2025. The present impugned notice has been issued after affording the opportunity to the petitioner to submit his representation both by the Authorities initially and subsequently, by the Court through order dated 20.08.2025 in WP.No.31066 of 2025. Thus, the contention of the petitioner that no opportunity has been given to defend his case is incorrect.

3.The impugned notice would show that the subject portion of the land has been put to usage of the public as “street” and therefore, the encroachment is to be removed. In view of the said factum, the petitioner has not established even a semblance of legal right for the purpose of considering the relief. The respondents 1 and 2 are directed to continue the enforcement action, conclude the same by evicting the encroachers from the subject property within a period of four(4) weeks from the date of receipt of a copy of this order.



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4. With the above directions, this writ petition stands dismissed. No costs. Consequently, connected WMPs are also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
19-01-2026

kmi

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes/No

To

1. The Commissioner
Villupuram Municipality,
Villupuram -605 602

2. The Tahsildar
Villupuram Taluk,
Villupuram -605 602



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C.KUMARAPPAN J.

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**WP No.39029 of 2025
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43732 OF 2025**

19-01-2026