



WEB COPY

W.P.(MD) No.3533 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.3533 of 2026
and
W.M.P.(MD) No.2886 of 2026**

R.Rajesh Kanna

... Petitioner

-VS-

1.The District Collector
Office of the District Collector
Dindigul District, Dindigul

2.The Municipal Commissioner
Office of the Municipal Commissioner
Kodaikanal Municipality
Lake Road, Kodaikanal
Dindigul District-624 601

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari and call for the records of the impugned notice issued by the respondent No.2 in Na.Ka.No.1316/2023 F1 dated 21.01.2026 and quash the same as arbitrary and illegal.



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For Petitioner : Ms.S.Modharshini
For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader for R1
Mr.T.S.Mohammed Mohideen for R2

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

Mr.D.Sasi Kumar, learned Additional Government Pleader, takes notice for the first respondent and Mr.T.S.Mohammed Mohideen, learned counsel, takes notice for the second respondent.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition is filed challenging the notice dated 21.01.2026, issued by the Municipal Commissioner / second respondent for removing the encroachment made by the petitioner in the subject land.



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4. The petitioner claims that land comprised in T.S.No.15 classified as “pathway”, for which the impugned notice has been issued, is not in his possession and his land lies in T.S.No.82.

5. Learned counsel appearing for the second respondent submits that after survey of the property on 23.08.2024, it was found that the petitioner has encroached a public pathway to an extent of 15 feet X 15 feet and he is running a Meat Stall. Therefore, a notice dated 23.08.2024, under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, was issued. The petitioner subsequently gave an undertaking affidavit on 30.07.2025 stating that he will remove the encroachment made by him in the subject land as and when the same is required by the respondent – Corporation and till then, he may be permitted to get electricity service connection for the said land. In the said affidavit, he has also stated that since school going children are residing there, the lock and seal order be withdrawn. The present notice is a second notice, which has been issued by the second respondent for removal of encroachment in the subject land.



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6. This Court, on perusing the earlier notice dated 23.08.2024, affidavit of undertaking given by the petitioner on 30.07.2025 and the present impugned notice, finds that the petitioner has made encroachment to an extent of 225 sq.meter in the public pathway and it falls in T.S.No.15. Therefore, there cannot be any impediment for the respondent – Corporation to remove the encroachment made the petitioner in the said land in accordance with law.

7. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.J., J.]

[K.K.R.K., J.]

09.02.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The District Collector,
Office of the District Collector,
Dindigul District, Dindigul.



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