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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.10706 of 2026

and

W.M.P.(MD)Nos.8370, 8371 & 8373 and 2026

Mahalakshmi

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai District.

2.The Assistant Commissioner,
Zone-II, Madurai Corporation,
Madurai District.

3.The Assistant Executive Engineer,
Madurai Corporation,
Madurai District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in File No.Ma222/004049/25dated 23.02.2026 passed by the second respondent and quash the same and consequently forbear the second respondent from evicting the petitioner from her property.



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For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.S.Vinayak
Standing Counsel

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner challenges the notice issued under Section 128 of the Urban Local Bodies Act.

2.According to the petitioner, she has purchased a house site in Survey No.28/2 and she is possession and enjoyment of the said property from the date of purchase. Whilesso, the impugned order has been issued upon the petitioner stating the petitioner has encroached upon Survey No.26/107, without conducting any proper survey and without issuing any proper notice to the petitioner.

3.The learned Standing Counsel appearing on behalf of the respondent would submit that the impugned order is only in respect of the property in Survey No.26/107 and not in respect of Survey No.28/2. Earlier, the petitioner was also served with the show cause notice. However, the petitioner has not chosen to submit her explanation to the



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said notice. Only thereafter, the authorities have proceeded to issue the present impugned notice.

4.Per contra, the learned counsel for the petitioner would submit that the petitioner has already submitted his explanation to the show cause notice. However, without considering the same, the present eviction notice has been issued.

5.Heard the learned counsel appearing on either side and perused the entire materials placed on record.

6.According to the petitioner, she has not made any encroachment in the subject property. It is also found that the eviction notice has been issued only in respect of Survey No.26/107, which is admittedly not belonging to the petitioner.

7.The petitioner has also raised a contention that no proper survey was conducted prior to issuing the eviction notice. This Court finds force in the said contention.



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8. In such circumstances, in order to find out whether any encroachment is made in Survey No.28/107 by the petitioner, the authorities are directed to conduct a proper survey in the presence of the petitioner as well as any other parties concerned, after issuing appropriate notice. Thereafter, if any encroachment is found, the authorities shall proceed further in accordance with law.

9. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
16.04.2026

Index : Yes/No
Internet : Yes
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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