

S.Prem Kumar vs the Commissioner

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Court : Chennai Orders

Decided On : Feb-02-2026

Judge : Honourable Mr Justice S. M. Subramaniam, Honourable Mr. Justice C.Kumarappan

Appeal No. : WP/30827/2025

Appellant : S.Prem Kumar

Respondent : The Commissioner

Judgement :

2026:MHC:444

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM AND THE HONOURABLE MR.JUSTICE C.KUMARAPPAN and W.M.P.Nos.34526 & 34527 of 2025 S.Prem Kumar ... Petitioner -vs- The Commissioner, Coimbatore Corporation, Coimbatore. ... Respondent PRAYER: Writ Petition filed under Article 226 of the Constitution of India to praying to

issue a Writ of Certiorarified Mandamus, calling for the records of the respondents notice dated 13.06.2023 and quash the same and consequently direct the respondent to remove the lock and seal to the petitioners building in Door No.10, HUDCO Nagar, (M.K.Auto Nagar), Idaiyarpalayam, Coimbatore. For Petitioner : Mr.N.K.Ponraj For Respondent : Mr.N.Velmurugan, Standing Counsel *****

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,) Notice issued under Sections 258(1) and 441 of the Coimbatore City Municipal Corporation Act, 1981 is under challenge in the present Writ Petition.

2. The Commissioner, Coimbatore Corporation issued notice asking

the petitioner to remove the encroachments and obstructions, failing which penal actions will be initiated under Section 441 of the Coimbatore City Municipal Corporation Act [hereinafter referred to as the Act].

3. Section 258(1) of the Act reads as under:-

258. Removal of encroachments.

(1)The Commissioner may, by notice, require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or, ground-floor window) situated, against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

4. Therefore, the petitioner is bound to remove the encroachments or

obstructions, if any, and report the same to the Commissioner, Coimbatore Corporation, failing which, the Commissioner is empowered to initiate penal action under Section 441 of the Act.

5. The learned counsel for the petitioner would submit that the representation has already been submitted.

6. If so, the same may be looked into by the Commissioner,

Coimbatore Corporation before initiation of further action under Section 441 of the Act. However, civil rights cannot be adjudicated in the present Writ Petition. The submission made on behalf of the petitioner that the subject property is a patta land cannot be adjudicated in the Writ proceedings. Either the petitioner has to prove that it is his patta land or remove the encroachments as stated by the Corporation Authorities in the impugned notice.

7. This being the scope of the provisions, the Writ Petition is

dismissed, granting liberty to the petitioner to approach the Authorities along with documents if any. No costs. Consequently, the connected miscellaneous petitions are closed. (S.M.S,J.,) (C.K,J.,) 02.02.2026 Index: Yes / No Internet: Yes / No dsa To: The Commissioner, Coimbatore Corporation, Coimbatore.

S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

dsa 02.02.2026

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