

W.P.(MD)No.21188 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2026**

CORAM:

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL**

W.P.(MD)No.21188 of 2026
and
W.M.P.(MD)No.15724 of 2026

Smila Helan

... Petitioner

Vs.

1.The Commissioner,
Thoothukudi Corporation,
Corporation Office,
Thoothukudi-628 002.

2.P.Hepzibah

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings of the first respondent in Na.Ka.No.F1/001352/2026 dated 17.07.2026 and quash the same as illegal.

For Petitioner : Mr.R.Ponkarthikeyan

For R1 : Mr.N.Ananda Kumar,
Standing Counsel



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ORDER

(Order of the Court was made by **C.V.Karthikeyan, J.**)

This writ petition has been filed in the nature of writ of certiorari seeking records relating to the proceedings of the first respondent/Commissioner, Thoothukudi Corporation, Thoothukudi, in Na.Ka.No.F1/F1001352/2026, dated 17.07.2026, and to quash the same.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner, in view of the fact that the house had become dilapidated, had taken a decision to demolish the old house and to construct a new building. In this connection, permission seeking approval was submitted to the first respondent. It is further stated that planning permission was also granted. But however, the second respondent herein had raised objections, and on the basis of such objections, initially a notice had been issued to the petitioner on 14.07.2026 in Na.Ka.No.F1/001352/2026/MM, giving the petitioner three days' time to explain as to why the building, in respect of which she had commenced construction, should not be demolished.



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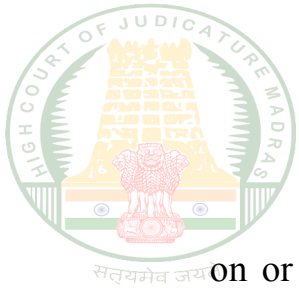
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3.It is the specific case of the petitioner that she went to the office of the first respondent with an explanation on 17.07.2026, but was issued with the impugned notice of even date, namely 17.07.2026.

4.The learned Standing Counsel for the first respondent very fairly stated that there is no specific time limit stipulated for giving an explanation.

5.The period of three days would expire only on 18.07.2026, and if at all the first respondent was to issue a further notice, he should have issued it only on 18.07.2026 and not on 17.07.2026. Therefore, we hold that the petitioner was not granted adequate opportunity to put forth her case. It is also informed that a civil suit is pending.

6.In view of all these facts, the impugned notice dated 17.07.2026 is quashed, even without issuing notice to the second respondent and at the time of admission itself. But, we would retain the notice dated 14.07.2026 and permit the petitioner to give an explanation along with supporting documents. Such explanation shall be submitted



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on or before **05.08.2026**. When such an explanation is given, the first respondent is directed to examine the said explanation and the documents filed along with the said explanation, conduct an enquiry, and, if required, issue notice to the second respondent herein also, and thereafter come to a subjective satisfaction about the further steps to be taken.

7.In the result, this writ petition stands allowed. No costs.
Consequently, connected miscellaneous petition is closed.

[C.V.K., J.] & [R.S.V., J.]
24.07.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes
GNS

Note:Issue order copy on 28.07.2026

To

The Commissioner,
Thoothukudi Corporation,
Corporation Office,
Thoothukudi-628 002.



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C.V.KARTHIKEYAN, J
and
R. SAKTHIVEL, J

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