



WEB COPY

W.P.No.1824 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.1824 of 2023

and

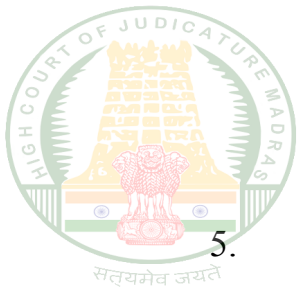
W.M.P.No.1939 of 2023

R.Akilandeswari
W/o.Balasubramanian

... Petitioner

vs.

1. The District Collector
Coimbatore District
Coimbatore.
2. The Director of Town and Country Planning
4th Floor, Chengalvarayan Building
807, Anna Salai
Chennai-600 002.
3. The Commissioner
Coimbatore Corporation
Coimbatore - 641 001.
4. The Member Secretary
Local Planning Authority
Tatabad, Coimbatore - 641 012.



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5. The Assistant Commissioner
West Zone, Corporation of Coimbatore
Coimbatore.

6. The Assistant Executive Engineer (Planning)
West Zone, Corporation of Coimbatore
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the 6th respondent by proceedings dated 16.12.2022 and quash the same.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.K.Suresh
Government Advocate,
for R1, R2 & R4
Mr.D.Ferdinand
for R3, R5 & R6

ORDER

[Order of the Court was made by **M.SUNDAR J.**]

A 'notice dated 16.12.2022 issued by R6 [the Assistant Executive Engineer (Planning), West Zone, Corporation of Coimbatore, Coimbatore]' {hereinafter 'impugned notice' for the sake of brevity, convenience and clarity} has been assailed in the captioned 'Writ Petition' {hereinafter 'WP'}



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for the sake of brevity, convenience and clarity}.

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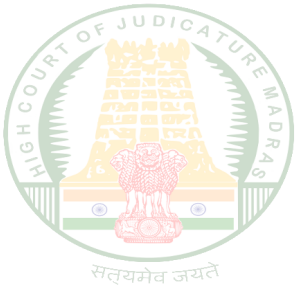
2. The impugned notice has been issued under the 'Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981)' {hereinafter 'CBE Act' for the sake of brevity, convenience and clarity}. While CBE Act has been repealed vide Section 200(1)(d) of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity), all things done, made, instituted, executed and appointed by Municipal Corporations, Municipalities, Town Panchayats etc., stand saved vide Section 200(3)(e) of TNULB Act.

3. This Court has dealt with similar matter in ***K.P.Vijay Shankar*** case reported in **2025:MHC:1658** [Neutral Citation of Madras High Court], wherein set of directions were given.

4. Both sides agree that a similar set of directions can be issued in the case on hand.

5. In the light of the narrative thus far, we make the following order:

- (i) Impugned notice dated 16.12.2022 is not set aside but the same shall now be treated as an SCN under Section 128(1)(b) of TNULB Act;



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(ii) SCN under Section 128(1)(b) of TNULB Act shall be construed to have been served on the writ petitioner today (16.07.2025);

(iii) The above means that the writ petitioner/noticee can send a response/ representation to SCN within fifteen days from today *i.e.*, on or before 30.07.2025;

(iv) On writ petitioner sending such a response/representation within the aforementioned time line, R3 shall pass 'final orders' *vide* proviso to Section 128(1)(b) of TNULB Act;

(v) The final orders so passed shall be served on the writ petitioner within five working days from the date of the final orders;

(vi) If the writ petitioner does not send a response/representation to SCN within aforementioned time line, it will be open to R3 to proceed further in accordance with the same in a manner known to law;



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(vii) If the final orders to be passed by R3 ends up in favour of the writ petitioner, that would be curtains on the matter;

(viii) If it happens to the contrary, in other words, if the final orders to be passed by R3 are going to be adverse to the writ petitioner, the same shall be kept in abeyance for a fortnight from the date of service of the final orders on the writ petitioner so as to provide a window to the writ petitioner to assail the said order if permissible in law or to seek judicial review of the said order;

(ix) If the writ petitioner does not take recourse to either of the aforesaid two options within a fortnight from the date of service of the final orders, the final orders so passed by R3 will be resuscitated and put into motion;

(x) Though obvious, we make it clear that coercive action, if any, shall be subject to and depending on final orders to be made by R3 under proviso to Section 128(1)(b) of TNULB Act.



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Captioned WP stands disposed of in the aforesaid manner.

Consequently, captioned writ miscellaneous petition stands disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

16.07.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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