



WEB COPY

WP No.26252 OF 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WP No. 26252 of 2025
and WMP.No.29550 of 2025**

1.I.Rajan

2.D.Binusheetal

Petitioners

Vs

1.The Commissioner,
Coimbatore City Municipal
Corporation, Coimbatore-641 001.

2. The Assistant Town Planner,
Western Zone,
Coimbatore Corporation,
Coimbatore.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records in connection with the impugned notice issued by the 2nd respondent in Building Approval No.162 / BPA / 2024 / 02077 and Building License No.162/BL/2024 / 03/039/01692 dated 10.06.2025 and quash the same as illegal, arbitrary, without jurisdiction.



WEB COPY

WP No.26252 OF 2025



For Petitioner Mr.R.Jagadeeshwaran

For Respondents Mr.M.Velmurugan
Standing Counsel

ORDER

(Order of the Court was made by J.Nisha Banu J.)

This writ petition has been filed challenging the impugned notice issued by the 2nd respondent in Building Approval No.162 / BPA / 2024 / 02077 and Building License No.162/BL/2024 / 03/039/01692 dated 10.06.2025 and quash the same as illegal, arbitrary and without jurisdiction.

2. The case of the petitioners is that they are the lawful owners and in possession of the property situated at No.215, Hari Sri Garden, Ward No.39, Survey No.426/2A, Veerakeralam Village, Coimbatore District. At present, the petitioners are constructing a commercial building at the aforementioned property with the approval of the 1st respondent along with all legal permissions, requirements and clearances, including payment of property tax and license fees. Whiles, some of the individuals, lodged a complaint before the 2nd respondent with baseless allegations against the petitioners that the construction is being carried out without obtaining any permission from the 1st respondent. Hence, a notice dated 13.03.2025 under Sections 133(5) and 135(1) of the Tamil Nadu Urban Local Bodies Act, 1998 was issued by the Assistant Town Planner informing the petitioners to apply for regularization of



the construction before the 1st respondent. In reply to the said notice, the petitioners also submitted their detailed reply dated 03.04.2025 before the 2nd respondent denying the allegations. According to the petitioners, though they had obtained proper building plan approval, without considering the same the second respondent has issued a second notice dated 10.06.2025 under Section 135(1) and (4) of the Tamil Nadu Urban Local Bodies Act, 1998 alleging that the construction was not in accordance with the sanctioned plan and called upon the petitioners to apply for revised building permission, failing which action under Section 135(6) and criminal prosecution under Section 180 would be initiated. Challenging the said notice, the petitioners have filed the present writ petition.

3. Heard the learned counsel for the parties and perused the materials on record.

4. The fact remains that the so called notice issued by the 2nd respondent dated 10.06.2025, which is put to challenge in this writ petition is only a show cause notice, calling upon the petitioners to apply for revised building permission within 30 days, failing which action would be initiated under Section 35(6) of the Tamil Nadu Urban Local Bodies Act, 1998. However, the petitioners without responding to the said notice, has filed the present writ petition, questioning the legality and jurisdiction of the 2nd respondent to issue such notice. At this stage, it is for the petitioners to approach the 2nd



respondent along with necessary documents and approvals and project their contentions before the 2nd respondent, in response to the said show cause notice. Therefore, this court is of the view that the present writ petition is at premature stage and accordingly, the present writ petition deserves dismissal.

5. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed

(J.N.B.J.) (M.J.R.J.)

01.08.2025

MST

Internet: Yes

Index: Yes/No

Neutral Citations: Yes/No

To

1. The Commissioner,
Coimbatore City Municipal
Corporation, Coimbatore-641 001.

2. The Assistant Town Planner,
Western Zone,
Coimbatore Corporation,
Coimbatore.



WEB COPY

WP No.26252 OF 2025



J.NISHA BANU, J.
AND
M.JOHIRAMAN, J.

MST

W.P.No.26252 of 2025

01.08.2025