



W.P.No.27184 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

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CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.27184 of 2025
& W.M.P.No.30513 of 2025

Thilagamani Chitra
W/o.Late Muthukumaresan

... Petitioner

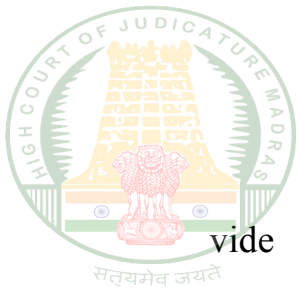
VS.

1. The Commissioner
Tiruppur City Municipal Corporation
Tiruppur
2. The Assistant Commissioner
Tiruppur City Municipal Corporation
Zone 3
Tiruppur
3. The Assistant Engineer (Town Planning)
Zone 3, Tiruppur City Municipal Corporation
Angeripalayam
Tiruppur

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of certiorari to call for the records of order dated 12.5.2025

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vide proceedings Na.Ka.No.E1/3351/2025/Z3 on the file of second

respondent and quash the same.

For Petitioner : Ms.B.Dharani
for Mr.K.Myilsamy

For Respondents : Mr.Abishek Murthy
Standing counsel

ORDER

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

This order will govern the captioned main 'Writ Petition' ['WP' for the sake of brevity] and captioned 'Writ Miscellaneous Petition' ['WMP' for the sake of brevity] thereat.

2. This order has to be read in conjunction with and in continuation of earlier proceedings/orders made in the previous listing yesterday (29.07.2025), which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

*THE HONOURABLE MR.JUSTICE **M.SUNDAR***
and
*THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR***

W.P.No.27184 of 2025



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W.P.No.27184 of 2025

and
W.M.P. No.30513 of 2025 in W.P.No.27184 of 2025

Thilagamani Chitra

... Petitioner

Vs.

*1.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.*

*2.The Assistant Commissioner,
Tiruppur City Municipal Corporation,
Zone 3, Tiruppur.*

*3.The Assistant Engineer (Town Planning),
Zone 3, Tiruppur City Municipal Corporation,
Angeripalayam, Tiruppur.* *... Respondents*

For Petitioner : Mr.K.Myilsamy

*For Respondents : Mr.Abishek Murthy,
Standing Counsel*

ORDER

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

*A 'notice under Section 128 of 'The Tamil Nadu Urban
Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB
Act' for the sake of convenience and clarity) being notice
dated 12.05.2025 bearing reference
Na.Ka.No.E1/3351/2025/Z3 issued by R2 (Assistant*



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Commissioner, Tiruppur City Municipal Corporation, Zone 3, Tiruppur)' {hereinafter 'impugned notice' for the sake of convenience and clarity} has been called in question.

2. Mr.K.Myilsamy, learned counsel for writ petitioner is before us.

3. Two points are of relevance and they are as follows:

(i) Whether R2 has authority to issue notice under Section 128 of TNULB Act?

(ii) Only three days time has been given in the impugned notice that too for removal and not for showing cause which is contrary to the mechanism under Section 128(1)(b) of TNULB Act.

4. Issue notice.

5. Mr.Abishek Murthy, learned Standing Counsel accepts notice for all three respondents and requests for a short accommodation to get instructions on Point No.1 supra.

*6. To be noted, with regard to Point No.1 supra, in **Nikhil Banthia's** case [**Nikhil Banthia vs. GCC represented by its Commissioner and another vide order dated 05.03.2025 in W.P.No.7529 of 2025**], this Court held that 'Commissioner' is a defined term having been defined vide Section 2(7) (Section 2(7)(a) in this case), delegation if any should be under Section 57(4) and*



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post **Nikhil Banthia**, delegation to Regional Deputy Commissioner was made but this is with regard to Chennai Corporation. The position regarding Tiruppur City Municipal Corporation has to be ascertained by the Standing counsel.

7. As regards the second point, as writ petitioner has not been show caused, it is clearly a clincher. Therefore, there will be an order of interim stay of impugned notice (described as 'impugned order' in the captioned Writ Petition and captioned Writ Miscellaneous Petition) as prayed for until further orders.

8. List on 30.07.2025.

(M.S.,J.) (H.C.,J.)

29.07.2025'

3. The above proceedings/order being read as integral part and parcel of this order will also mean that the short forms, abbreviations and short references used in the earlier proceedings/order shall continue to be used in the instant order too.

4. Today, Ms.B.Dharani, learned counsel representing the counsel on record for writ petitioner and Mr.Abishekmurthy, learned Standing counsel for Tiruppur City Municipal Corporation for all the three respondents are



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before us.

WEB COPY 5. Captioned main WP is taken up with the consent of learned counsel on both sides.

6. Adverting to aforementioned earlier proceedings/orders, learned Standing counsel for respondents, on instructions from R1, submitted that there is no delegation of powers under Section 57(4) as regards Section 128 of TNULB Act by R1 in favour of R2.

7. The afore-referred stated position of the learned Standing counsel for the local body i.e., learned counsel for respondents is by itself curtains on the matter.

8. The impugned notice cannot but be dislodged on the jurisdiction point but we preserve all the rights and contentions of respondents and State *per se* to initiate action afresh qua the same subject matter by a competent authority, if so advised. If such a scenario unfurls, we make it clear that all rights and contentions of writ petitioner and/or any other noticee will stand preserved to show cause. In this regard all questions are left open.

9. Nonetheless before parting with the matter, we make it clear that Section 128 'Show-cause Notice' ('SCN' for the sake of brevity), more



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particularly Section 128(1)(b) of TNULB Act provides for 15 days SCN

whereas the impugned notice gives three days to noticee for showing cause.

10. Captioned main WP allowed albeit with preservation of rights in the aforesaid manner. Consequently, captioned WMP thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
30.07.2025

Index: Yes

N.C. : Yes

gpa

To

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Tiruppur



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

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