



WEB COPY



W.P.No.33874 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

**W.P.No.33874 of 2025**

**and**

**W.M.P. No.38016 of 2025 in W.P.No.33874 of 2025**

1.K.R.Annamalai  
2.N.Mohamed Zakariah

... Petitioners

Vs.

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

2.The Assistant Commissioner,  
Zone No.4, Tiruppur City Municipal Corporation,  
Tiruppur District.

3.Sivabalan  
4.Kumaravadivel

... Respondents

Writ Petition filed under Article 226 of The Constitution of India  
praying to issue a Writ of Certiorarified Mandamus to call for the entire  
records pertaining to the impugned final notice vide  
Na.Ka.No.F2/0853/2025/Ma 4 dated 24.07.2025 issued by the second



W.P.No.33874 of 2025

respondent and quash the same and consequently direct the respondents to afford an opportunity of fair hearing to petitioners to putforth their objections.

For Petitioner : Mr.N.S.Suganthan

For Respondents : Mr.Abishek Murthy  
for R1 and R2

**ORDER**

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

Captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer seeking issue of writ of certiorarified mandamus.

2. As regards certiorari limb of the prayer, a 'notice dated 24.07.2025 bearing reference Na.Ka.No.F2/0853/2025/Ma 4 issued by R2 [Assistant Commissioner, Tiruppur Municipal City Municipal Corporation, Tiruppur District]' {hereinafter 'impugned notice' for the sake of convenience and clarity} has been assailed. In and vide mandamus limb, a direction has been sought to the respondents i.e., a direction to the respondents to afford an opportunity of hearing to the writ petitioners to putforth their objections.

Page Nos.2/7



W.P.No.33874 of 2025

WEB COPY

3. Mr.N.S.Suganthan, learned counsel for writ petitioners, who is before us submits that impugned notice says that it has been issued under Section 128 of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity] but it has not show caused the writ petitioners/noticees.

4. Issue notice to official respondents.

5. Mr.Abishek Murthy, learned standing counsel, accepts notice for R1 and R2 and very fairly submits that Section 128 power has to be exercised by R1 (Commissioner) but the impugned notice has been issued by R2 without powers as there is no delegation of Section 128 powers by R1 in favour of R2 notwithstanding provisions for delegation vide Section 57(4) read with 57(2) of TNULB Act.

6. This Court places on record its appreciation for the fair stand taken by learned standing counsel for Tiruppur Municipal Corporation.

7. In the light of the narrative thus far, impugned notice dated 24.07.2025 bearing reference Na.Ka.No.F2/0853/2025/Ma 4 issued by

Page Nos.3/7



W.P.No.33874 of 2025

R2 is set aside on the short point of lack of jurisdiction qua R2 for exercising powers under Section 128 of TNULB Act. This means that the certiorari limb of the prayer is answered in the affirmative i.e., acceded to.

8. Though we are quashing the impugned notice on the short point of lack of jurisdiction on the part of R2, on a demurrer, we make it clear that impugned notice is not in conformity with Section 128 of TNULB Act as it does not show cause the noticees. Therefore, if notice is issued afresh either by R1 or by a competent delegate of R1, it shall show cause the petitioners, give an opportunity and then proceed for final orders being made within the meaning of Section 128(1)(b) of TNULB Act.

9. In the light of certiorari limb answered in the affirmative, consequent mandamus limb pales into insignificance.

10. While setting aside the impugned notice on the short point of jurisdiction, we make the following points clear:

10.1 It is open to R1 or any other competent



WEB COPY



W.P.No.33874 of 2025

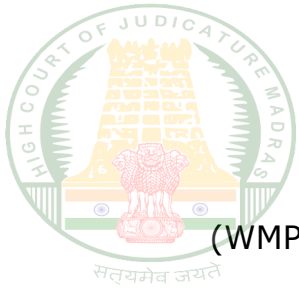
delegate of R1 to issue notice afresh under Section 128 of TNULB Act either to the writ petitioners or any other similarly placed persons;

10.2 This order will not impact the rights of private respondents/R3 and R4 in any manner. Therefore, notice to R3 and R4 is dispensed with and the captioned WP is taken up in the Admission Board with the consent of learned counsel for writ petitioners and learned standing counsel for R1 and R2;

10.3 If fresh notice is issued either by R1 or competent delegate of R1, all the rights and contentions of writ petitioners as well as private respondents/R3 and R4 and/or any other similarly placed person if visited with notice will stand preserved untrammelled by this order.

11. Ergo, the sequitur is, certiorari limb of the prayer is acceded to i.e., allowed. Mandamus limb of the prayer is disposed of as having paled into insignificance in the light of certiorari limb being answered in the affirmative. Consequently, captioned Writ Miscellaneous Petition

Page Nos.5/7



W.P.No.33874 of 2025

(WMP) thereat has become otiose and the same is disposed of as closed having become otiose. There shall be no order as to costs.

(M.S.,J.) (M.S.K.,J.)  
10.09.2025

Index : Yes / No  
Neutral Citation : Yes / No  
mmi

To

- 1.The Commissioner,  
Tiruppur City Municipal Corporation,  
Tiruppur District.
- 2.The Assistant Commissioner,  
Zone No.4, Tiruppur City Municipal Corporation,  
Tiruppur District.



WEB COPY



W.P.No.33874 of 2025

**M.SUNDAR, J.,  
and  
MUMMINENI SUDHEER KUMAR, J.,**

mmi

**W.P.No.33874 of 2025**

**10.09.2025**