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W.P.No.1294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM

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

W.P. No.1294 of 2023 and W.M.P.No. 1341 of 2023

K.P. Parthipan

Petitioner

vs.

1. The Commissioner
Corporation of Coimbatore
Town Hall
Coimbatore 641 001

2. The Assistant Commissioner
South Zone
Kuniamuthur Post
Coimbatore 641 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in Na.Ka.No.53/8/2022/H1/SOUTH dated 02.08.2022 issued by the first respondent and quash the same and consequently, direct the respondents to consider the petitioner's representation dated 01.06.2022.

For petitioner Ms. Meenakshi
for Mr. B.R.Jayaprakash Narayan

For respondents Mr. G. Vinoth

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ORDER

[made by M.SUNDAR, J.]

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In the captioned 'writ petition' [hereinafter 'WP' for the sake of brevity], Ms. Meenakshi, learned counsel representing Mr.B.R.Jayaprakash Narayan, learned counsel on record for writ petitioner and Mr. G. Vinoth, learned Standing Counsel for respondents, are before this Court.

2. The legal drill at hand is fairly simple as a 'notice dated 02.08.2022 issued by R1 (Commissioner) *inter alia* making a reference to Sections 258 and 441 of 'Coimbatore City Municipal Corporation Act, 1981' [hereinafter 'the CCMC Act' for the sake of brevity]' [hereinafter 'impugned notice' for the sake of brevity] has been called in question on the short point that the impugned notice has been issued without show causing the writ petitioner.

3. Before we proceed further, we deem it appropriate to make the obtaining legal position clear.



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4. The Tamil Nadu Urban Local Bodies Act, 1998, (Tamil Nadu Act 9 of 1999) [hereinafter 'the TNULB Act' for the sake of brevity] kicked in on 13.04.2023. In and by TNULB Act, CCMC Act was repealed *vide* Section 200(1)(d) but things done, made, instituted and executed under the erstwhile CCMC Act stand saved *vide* Section 200(3)(e). Therefore, the impugned notice survives in the light of Section 200(1)(d) read with Section 200(3)(e) of the TNULB Act.

5. This Court, having set out the obtaining statutory position, proceeds to consider the simple point that writ petitioner has not been show caused. We deem it appropriate to write that it will serve the purpose if the impugned notice is directed to be treated as a 'show cause notice' [hereinafter 'SCN' for the sake of convenience and clarity] under Section 128(1)(b) of TNULB Act. We do so.

6. In the light of the narrative, discussion and dispositive reasoning thus far and statement of obtaining statutory position, the following order is made:

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



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(ii) The SCN under Section 128(1)(b) of TNULB Act shall be construed to have been served on the writ petitioner today (30.06.2025);

(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 15.07.2025;

(iv) On writ petitioner sending such a response/representation within the aforementioned timeline, R1 shall pass 'final orders' *vide* proviso to Section 128(1)(b) of TNULB Act;

(v) The final orders to be passed by R1 shall be served on the writ petitioner within five working days from the date of the final orders;

(vi) If the final orders to be passed by R1 end up in favour of the writ petitioner, that would be curtains on the matter;

(vii) If it happens to the contrary, in other words, if the final orders to be passed by R1 are going to be



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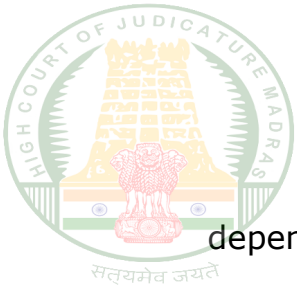
adverse to the writ petitioner, the same shall be kept in abeyance for a fortnight from the date of service of the final orders on the writ petitioner so as to provide a window to the writ petitioner to assail the said order if permissible in law or to seek judicial review of the said order;

(viii) 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 R1 will be resuscitated and put into motion;

(ix) If the writ petitioner does not send a response/representation to SCN within aforementioned timeline, impugned notice will reverse to its form as issued and it will be open to R1 to proceed further in accordance with the same; and

(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 R1 under proviso to Section 128(1)(b) of TNULB Act.

7. Captioned main WP stands disposed of in the aforesaid manner with the aforesaid observations and directives. As we have made it clear that coercive action, if any, shall be subject to and



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depending on 'final orders' of R1 under proviso to Section 128(1)(b),
captioned WMP becomes otiose and the same is closed. There shall be
no order as to costs.

(M.S., J.) (H.C., J.)
30.06.2025

cad



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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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