



W.P. (MD) No. 21917 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

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C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 21917 of 2022

and

W.M.P.(MD)Nos. 16068, 16069 & 19236 of 2022

Umamaheswari

... Petitioner

Vs.

- 1.The Chairman,
The Local Body Ombudsman,
100, Anna Salai,
Guindy, Chennai.
- 2.Malik Feroz Khan,
The Chairman,
The Local Body Ombudsman,
100, Anna Salai,
Guindy, Chennai.
- 3.The Commissioner,
Trichy City Municipal Corporation,
Trichy City.

4.Selvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order issued by the first respondent in his proceedings order No.



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71/Maa/2022 dated 21.07.2022 and quash the same as illegal and unconstitutional

For Petitioner : Mr. B.Jameel Arasu

For Respondents : Mr. D.Shanmugaraja Sethupathy
(for R1 & R2)

Mr. R.Baskaran
Additional Advocate General (for R3)

Mr. Antony Arul Raj (for R4)

ORDER

Heard Mr. B.Jameel Arasu, Learned Counsel for the Petitioner, Mr. D.Shanmugaraja Sethupathy, Learned Counsel for the First and Second Respondents, Mr. R.Baskaran, Learned Additional Advocate General for the Third Respondent and Mr. Antony Arul Raj, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the absolute owner of the property



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measuring as extent of 4908 sq.ft. comprised in old S.F. No. 173/1A corresponding to new T.S. No. 1/3, Ward AG, Block 15, K.Abishekapuram Village, Tiruchirappalli District and has filed suit against one S.Selvi in O.S. No. 231 of 2021 before the I Additional District Court, Tiruchirappalli for declaration of her title and other consequential reliefs. The said S.Selvi had thereafter made a complaint before the Local Body Ombudsman, who is the First Respondent, against the Assistant Commissioner, Golden Rock Zone, Tiruchirappalli Corporation relating to assessment of property tax in respect of the said property made in favour of the Petitioner in which by Proceedings No. 71/Maa/2022 dated 27.01.2022, the following order has been passed:-

“vdnt jpUkjp/ bry;tpf;F ghj;jpag;gl;l rh;nt vz;
173/1A1 part-y; cs;slf;fpa 4908 rJu mo ,lj;jpy;
mtUf;F brhe;jkhd l!;th;ah !;Oy;!; vd;fpd;w
fk;bgdp ,a';fp tUtjhYk; nkw;fz;l ,lj;jpy; vt;tpj
fhypaplKk; ,y;iy vd;W bjhpatjhYk;. nkYk;
KGikahd chpikahsuhd jpUkjp/ s.bry;tp cilikapy;
mjhtJ fle;j 22 tUl';fshf mtuJ cilikapy; nkw;brhd;d
fl;olk; cs;sjhYk; ehsJ nijp tiu brhj;J thp. kw;Wk;



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jz;zPh; thp Mfpatw;iw brYj;jp tUtjhYk;. nkYk;
kDjhuh; brhj;jpd; kPJ t';fpfsy; fIDk;
th';fpa[s;s]k; bjspthfj; bjhpfpwJ/ fhyp
kidna ,y;yhj ,lj;jpw;F fhyp kid thp
tpjpf;fg;gl;oUe;jhy; mJ bry;yj;jf;fjy;y/ mt;thW
jtwhf thtpjpg;g[bra;ag;gl;oUe;jhy; me;j
fhypkid thtpjpg;ig uj;J bra;jpl chpa eltof;ifia
clnd nkW;bfhs;s jpUr;ruphg;gs;sp khefuhl;rp
MizaUf;F ,k;Kiwkd;w eLtk; MizapLfpwJ/
nkYk;. ,e;neh;tpy; khefuhl;rp mYtyh;fs; fhypkid
thp tpjpf;Fk; Kd;ng me;j ,lj;ij khefuhl;rp epy
msitaiuf;bfhz;L khefuhl;rp tUtha; gphptpdh;
mstPL bra;J fhypkid thp tpjpf;f cfe;jjh vd;gij
Kot[bra;jpUf;f ntz;Lk;/ fhypkid thp Fwpj;J
Kiwahd eilKiwia ,e;neh;tpy; khefuhl;rpahy;
gpd;gw;wg;gltpy;iy vd;gij ,r;bray;
vLj;Jf;fhl;oa[s;s]/ ,e;epfH;t[khefuhl;rp



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mYtyh;fspd; bkj;jdg;ngfh;ifa[k; flik jtwpa
braiya[k; fhz;gpf;fpd;w]/ neuoj;jzpf;if. fs Ma;t[
(Field Inspection) fs mstPL (Survey) tprhuiz
nghd;wtw;iwa[k; bra;ahky; khefuhl;rp ,;'dk;
bra;Js;sJ fz;of;fj;f;fj/ Mjyhy; ,jpy; rk;ke;jg;gl;l
mYtyh;fspd; kPJ JiwhPjpahd xG';F eltof;if
nkw;bfhs;s jpUr;rpuhg;gs;sp khefuhl;rp Mizaiu
mwpt[Wj;jp ,k;Kiwkd;w eLtk; MizapLfpwJ/”

Though the Petitioner is not a party to the said proceedings before the First Respondent, the aforesaid order is challenged by contending that the observations made therein are likely to prejudicially affect the rights of the Petitioner in the pending suit for declaration of title in O.S. No. 231 of 2021 before the I Additional District Court, Tiruchirappalli.

3. The First Respondent, who is a creature of the Tamil Nadu Local Bodies Ombudsman Act, 2014, is a forum only for enquiring into the complaints against the officials of the local bodies and it cannot by any stretch of imagination, determine *inter se* disputes relating to title of the



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property of private individuals. In such circumstances, it is made clear that the conclusions arrived in the impugned order passed by the First Respondent relating to the property claimed by the Petitioner and the said S.Selvi shall not in any way influence or inhibit the Civil Court from deciding the suit in accordance with law on the basis of evidences produced by the parties in support of their rival claims.

4. In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

02.01.2023

SM

NCC : Yes/No

Index : Yes/No

Note: Issue order copy by 30.01.2023.

To

1.The Chairman,
The Local Body Ombudsman,
100, Anna Salai,
Guindy, Chennai.

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2. The Commissioner,
Trichy City Municipal Corporation,
Trichy City.

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P.D.AUDIKESAVALU,J.

SM

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