



W.P(MD)Nos.25546 & 25547 of 2018 & 8002 of 2019

WEB CO **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 11.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)Nos.25546 & 25547 of 2018 & 8002 of 2019
and
W.M.P(MD)Nos.23154 & 23155 of 2018 & 6305 of 2019**

1.W.P(MD)No.25546 of 2018:

P.Perumal

... Petitioner

vs.

1.The District Collector,
Tuticorin District.

2.The Executive Officer,
Special Selection Grade Town Panchayat,
Tiruchendur,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, calling for the
records relating to the impugned final order of the second respondent in

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Na.Ka.No.741/2017 dated 17.10.2018 and the impugned demolition order of the second respondent on the same day in Na.Ka.No.741/2017 dated 17.10.2018 quash the same and consequently direct the respondents to collect the property tax from petitioner for his house properties bearing Door Nos.47, 47-A & 47-B South New Street, 9th Ward, Tiruchendur Selection Grade Town Panchayat, Tuticorin vide Assessment Nos.8727, 8728 & 8729.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.M.Mahaboob Athiff (R1)
Special Government Pleader

: Mr.A.Thiyagarajan (R2)

2.W.P(MD)No.25547 of 2018:

P.Rangan

... Petitioner

vs.

1.The District Collector,
Tuticorin District.

2.The Executive Officer,
Special Selection Grade Town Panchayat,
Tiruchendur,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned final order of the second respondent in



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Na.Ka.No.741/2017 dated 17.10.2018 and the impugned demolition order of the second respondent on the same day in Na.Ka.No.741/2017 dated 17.10.2018 quash the same and consequently direct the respondent to collect the property tax from petitioner for his house properties bearing Door No.45 situated at South New Street, 9th Ward, Tiruchendur Selection Grade Town Panchayat, Tuticorin vide Assessment No.8731.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.M.Mahaboob Athiff (R1)
Special Government Pleader

: Mr.A.Thiyagarajan (R2)

3.W.P(MD)No.8002 of 2019:

1.P.Perumal

2.P.Rangan

... Petitioners

vs.

1.The Presiding Officer,
The Tamil Nadu Local Body Ombudsman,
No.100, Anna Salai, Guindy,
Chennai – 600 032.

2.The Executive Officer,
Special Selection Grade Town Panchayat,
Tiruchendur, Tuticorin District.

3.V.Sethuraman

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent in Order No.121 of 2018 dated 10.05.2018 insofar as the petitioners are concerned and quash the same as illegal.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.D.Shanmuga Raja Sethupathi (R1)

: Mr.S.Anand Chandrasekar (R3)
for M/s.Sarvabhauman Associates

COMMON ORDER

(Order of the Court was made by M.DHANDAPANI, J.)

W.P.(MD)Nos.25546 and 25547 of 2018 have been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned final order passed by the second respondent dated 17.10.2018 and the consequential demolition order passed by the second respondent on the same day dated 17.10.2018, quash the same and consequently direct the respondents to collect property tax from the petitioners in respect of their house properties bearing Door Nos.47, 47-A



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and 47-B, South New Street, 9th Ward, Tiruchendur Selection Grade Town Panchayat, Tuticorin, comprised in Assessment Nos.8727, 8728 and 8729, and Door No.45, South New Street, 9th Ward, Tiruchendur Selection Grade Town Panchayat, Tuticorin, comprised in Assessment No.8731, respectively.

2.W.P.(MD)No.8002 of 2019 has been filed seeking issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent in Order No.121 of 2018 dated 10.05.2018, insofar as the petitioners are concerned, and quash the same as illegal.

3.Since the issue involved in all these Writ Petitions arises out of the same set of proceedings and the parties are common, the Writ Petitions are taken up together and disposed of by this common order.

4.The learned counsel appearing for the petitioners would submit that the petitioners are the owners of the aforesaid properties. They



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obtained patta in respect of the said properties and thereafter submitted applications seeking approval of the building plans. Building plan approval was duly granted in their favour and, thereafter, property tax was assessed in respect of the said properties.

5.The learned counsel appearing for the petitioners would further submit that one V.Sethuraman, who is the third respondent in W.P.(MD)No.8002 of 2019, lodged a complaint before the Presiding Officer, Tamil Nadu Local Bodies Ombudsman, who is the first respondent in W.P(MD)No.8002 of 2019, alleging that the petitioners had got the revenue records mutated in their favour without any valid title and, on the basis of the same, had obtained building plan approval from the competent authority. After construction of the buildings, property tax was assessed in favour of the petitioners. The third respondent sought cancellation of the said assessment before the first respondent.

6.It is further submitted that, without impleading the petitioners



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as parties and without affording them an opportunity of hearing, the first respondent passed an order which was adverse to the interests of the petitioners. Pursuant to the said order, the property tax assessment made in favour of the petitioners was cancelled by the competent authority. Challenging the said orders, the present Writ Petitions have been filed.

7.The learned counsel appearing for the petitioners would further submit that the order passed by the first respondent and the consequential order passed by the competent authority are in clear violation of the principles of natural justice. He would also submit that the Tamil Nadu Local Bodies Ombudsman has no jurisdiction to adjudicate upon a dispute relating to title between the parties. Even otherwise, the Ombudsman has no power to issue a direction or recommendation to the Executive Officer to conduct an enquiry into the title of the petitioners. The Executive Officer also has no jurisdiction to cancel the property tax assessment on the basis of such recommendation.



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8.The learned counsel appearing for the petitioners would further submit that the property tax was assessed on the basis of the documents produced by the petitioners before the competent authority. If the third respondent disputes the title of the petitioners, his remedy is only to approach the competent Civil Court and not the Tamil Nadu Local Bodies Ombudsman. Therefore, the impugned proceedings are without jurisdiction and are liable to be set aside.

9.Per contra, the learned counsel appearing for the first respondent/Tamil Nadu Local Bodies Ombudsman would submit that, though the petitioners were not parties before the first respondent, no adverse order was passed against them. According to him, the order passed by the first respondent was only a recommendation to the Executive Officer to take appropriate action. The Executive Officer, on consideration of the matter, cancelled the property tax assessment and there was no specific



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Hence, he would submit that the Writ Petitions are liable to be dismissed.

10.However, the learned counsel appearing for the first respondent/Tamil Nadu Local Bodies Ombudsman, fairly submitted that any dispute relating to title between the parties has to be adjudicated only by the competent Civil Court and that the same cannot be decided by the Local Bodies Ombudsman.

11.The learned counsel appearing for the third respondent would submit that this Court may grant liberty to the third respondent to approach the competent Civil Court for appropriate relief in respect of his claim.

12.We have considered the submissions made by the learned counsel appearing for the respective parties and perused the materials available on record.

13.In view of the submissions made by the learned counsel



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appearing for the respective parties and without expressing any opinion on the merits of the rival claims, the impugned orders are set aside. However, liberty is granted to the third respondent to approach the competent Civil Court and work out his remedy against the petitioners in the manner known to law.

14.It is made clear that we have not expressed any opinion on the title or other rights of the parties and it is open to the competent Civil Court to consider the matter independently, uninfluenced by any of the observations made in this order.

15.Accordingly, the Writ Petitions are allowed to the extent indicated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[M.D.I.,J.] & [N.D.K.,J.]
11.08.2026

NCC : Yes / No
Index : Yes / No

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Tuticorin District.

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M.DHANDAPANI, J.
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N.DILIP KUMAR, J.

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