

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION NO.1582 OF 2017 and

W.M.P.Nos.1541 & 1542 of 2017

G.Venugopal

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003
2. Zonal Officer,
Corporation of Chennai,
Zone - 11, Chennai - 600 087.
3. Tamil Nadu Body Ombudsamn
100, Anna Salai,
Guindy, Chennai - 600 032.
4. P.V. Kishore,
Rayala Nagar,
Ramapuram, Chennai - 600 089. Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in passing of the order dated 22.11.2016, made in Petition No.169/15, order No.170/16, quash the same and thereby forbear the Respondents, their agents/officials/servants from in any manner interfering with the peaceful possession and enjoyment of the property at S.Nos.51,52,53,56 in Ramapuram Village by the petitioner and others.

For Petitioner : Mr.P.Elango

For Respondents : Mr.K.Venkataramani,

Addl Advocate General

Assisted by

Mr.P.V.Selvakumar - for R1&R2

Mr.B.Neduchezhian - for R3

Mr.R.Subramanian - for R4

O R D E R

The petitioner herein, challenging the order passed by the third respondent, who is an Ombudsman, on a complaint made by the fourth respondent, wherein, a direction was issued to the first and second respondents to take action to recover the land, which has been earmarked for public purpose, has filed the present writ petition.

2.It appears that in pursuance of the impugned order passed, the respondent No.1 and 2 have put up a board. Being aggrieved, the petitioner has come forward to file this writ petition.

3.The impugned order is only a direction issued on the complaint made by the fourth respondent to the first and second respondents. Admittedly, the petitioner was not a party to the impugned proceedings. Therefore it is open to the first and second respondents, as the case may be, before complying with the impugned order, to follow the procedure, qua the petitioner.

4.In such view of the matter, there is no such ground to challenge the impugned order, as the same would not be binding on the petitioner, as against the proposed action by way of adjudication of the first and second respondent.

5.In such view of the matter, the writ petition stands disposed of, giving liberty to the first and second respondents to take appropriate action against the petitioner by issuing a show cause notice indicating the proposed action.

6.While doing so, the first and second respondents will have to enclose the copy of the impugned order passed in favour of the petitioner. After receiving the reply of the petitioner, the first and second respondents, as case may pass an appropriate final order in this regard. Needless to say, that respondent No.4 also to be issued notice and he shall be heard before passing the final order.

7.Accordingly, this writ petition stands disposed of and connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003
2. Zonal Officer,
Corporation of Chennai,
Zone - 11, Chennai - 600 087.
3. Tamil Nadu Local Body Ombudsman
100, Anna Salai, Guindy, Chennai - 600 032.

+1cc to Mr.R. Subramanian, Advocate, S.R.No.18273

+1cc to Mr.B. Nedunchezhiyan, Advocate, S.R.No.17903

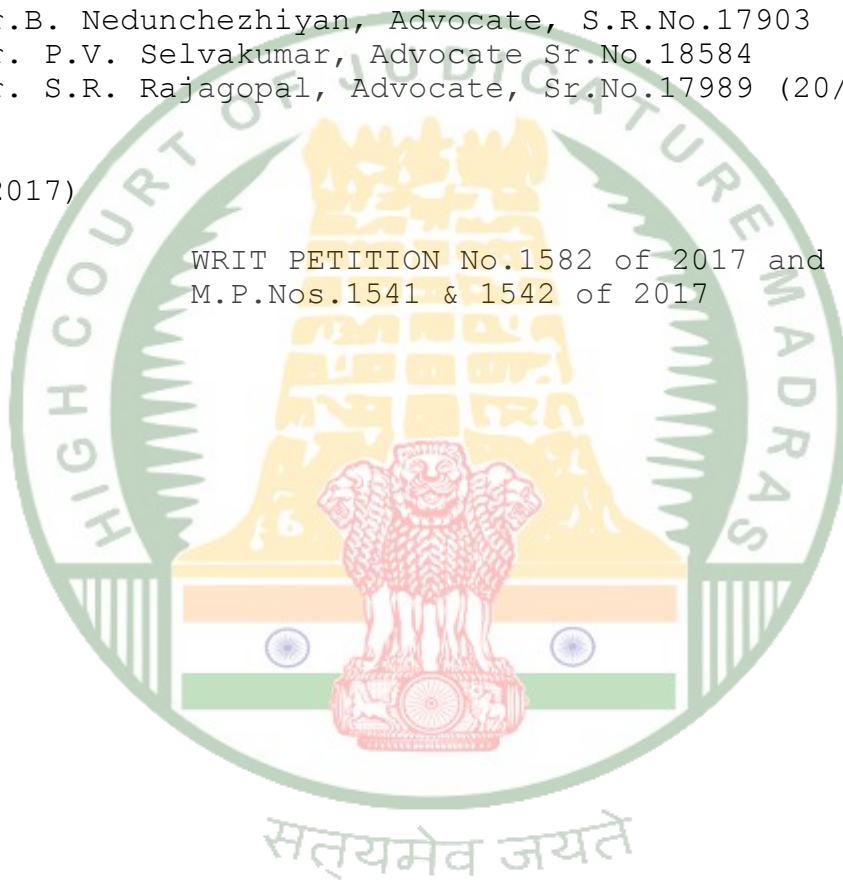
+1cc to Mr. P.V. Selvakumar, Advocate Sr.No.18584

+1cc to Mr. S.R. Rajagopal, Advocate, Sr.No.17989 (20/04/2017)

rv(CO)

md(06/04/2017)

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