

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.34349 of 2016  
and WMP.No.29611 of 2016

Govi. Ravi

..Petitioner

Vs

1. The Ombudsman

For Tamil Nadu Local Bodies,  
100, Anna Salai,  
Guindy,  
Chennai -32.

2. The Municipal Commissioner,  
Pattukottai Municipality,  
Thanjavur District.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of dismissal of petitioner complaint No.0019/2015 by an order No.0018/2016 dated 15.03.2016 passed by the 1<sup>st</sup> respondent, quash the same and consequently direct the 1<sup>st</sup> respondent to re-hear the petitioner's complaint dated 16.06.2015 afresh and on merits in compliance with the provisions Tamil Nadu Local Bodies Ombudsman Act, 2014.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.B.Nedunchezhiyan, for R1

: Mr.P.Srinivas, for R2

ORDER

Heard the learned Counsel for the petitioner, the learned Counsel for the first respondent and the learned Standing Counsel appearing for the second respondent and perused materials available on record.

2. The petitioner challenges the order of the first respondent dated 15.03.2016, in and by which, the complaint of the petitioner was rejected.

3. The learned Counsel for the petitioner submitted that

the petitioner gave a complaint dated 16.06.2015 to the first respondent making serious allegations against the second respondent and he has appeared before the first respondent on number of occasions. When he received a notice for hearing fixed on 26.10.2015, due to ill-health he could not appear. However, for the subsequent hearing, a very short notice was issued, hence, he did not appear before the first respondent and on that ground, the complaint was dismissed and cost was imposed on the petitioner. According to the petitioner, an opportunity was not given before passing the impugned order.

4. The learned Standing Counsel for the second respondent by referring paragraph 7 of the impugned order submitted that the petitioner deliberately not appeared before the first respondent for the hearings fixed and also failed to produce any materials to substantiate the allegations made against the second respondent.

5. The petitioner in paragraph 5 of the affidavit admitted that he received a notice for hearing on 26.10.2015, but he did not appear before the first respondent, due to ill-health. It is also admitted that he received another notice on 19.01.2016 for his appearance on 28.01.2016. The petitioner stated that the interval was too short and in view of his personal inconvenience, he did not appear before the first respondent.

6. Perusal of the records reveal that opportunities provided to the petitioner were not utilized and hence I do not find force in the arguments of the learned Counsel for the petitioner. In such view, the writ petition is dismissed. However, the cost of Rs.5,000/- imposed by the first respondent is deleted. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते  
Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

msrm

+1cc to Mr.P.Srinivas, Advocate SR.No.40063  
+1cc to Mr.N.Manokaran, Advocate SR.No.39746  
+1cc to B.Nedunchezhiyan, Advocate SR.No.39656

W.P.No.34349 of 2016

AD (CO)  
GN (23/07/2018)