

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.17546 of 2020

N.G.Deivakadatcham

... Petitioner

-Vs-

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
E.V.R. Road, Chennai 600 003.

2.The Executive Engineer,
Greater Chennai Corporation,
Zonal Office - 10,
Corporation of Chennai,
No.117, N.S.K.Salai,
Kodambakkam,
Chennai 600 024.

3.The Junior Engineer,
Greater Chennai Corporation,
Zonal Office - 10,
Corporation of Chennai,
No.117, N.S.K.Salai,
Kodambakkam, Chennai 600 024.

4.I.Periyasamy

5.M.Kannan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to take disciplinary action against the respondents 4 & 5 in terms of the order passed by the Tamil Nadu Local Bodies Ombudsman in Complaint No.153/Maa/2019 dated 28.02.2020 and by considering the petitioner's representation dated 28.09.2020.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Ms.S.Vaitheeswari, St.C

O R D E R

This writ petition has been filed to direct the first respondent to take disciplinary action against the respondents 4 & 5 in terms of the order passed by the Tamil Nadu Local Bodies Ombudsman in Complaint No.153/Maa/2019 dated 28.02.2020 and by considering the petitioner's representation dated 28.09.2020.

2. According to the petitioner that some illegal construction has been put on a temple land and therefore, a complaint was made to take action to remove the illegal construction to respondents 4 and 5. However, no action was forthcoming, the petitioner has approached the Local Bodies Ombudsman by filing a complaint.

3. According to the petitioner, the complaint was enquired by the Ombudsman and order was passed on 28.02.2020, by directing the first respondent to take disciplinary action against the respondents 4 and 5. Since no action was taken, the petitioner appears to have submitted a representation dated 28.09.2020, to the first respondent and the representation having not acted upon, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner reiterated the above averments and submitted that unless a direction is issued by the first respondent, the action may not be taken against the respondents 4 and 5, in terms of the order passed by the Ombudsman dated 28.02.2020.

5. This Court is unable to appreciate as to how the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India could be invoked for execution of the order passed by the Local Bodies Ombudsman. It is always open to the petitioner to workout his remedies in the manner known to law, but, certainly it is not open to the petitioner to invoke the extraordinary remedy of this Court to seek direction as prayed for.

6. An attempt by the petitioner to approach this Court for such a remedy is a gross abuse of the Constitution and it also tantamount to undermine the constitutional status of this Court. The writ of mandamus has been grossly abused by such litigations seeking all kinds of directions before this Court as if the Court's jurisdiction is readily available for achieving their personal agenda. Such practice on the part of the litigants must be deprecated and discountenanced.

7. In view of the above circumstances, this writ petition deserves to be dismissed and hence dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
E.V.R. Road,
Chennai 600 003.

2.The Executive Engineer,
Greater Chennai Corporation,
Zonal Office - 10,
Corporation of Chennai,
No.117, N.S.K.Salai,
Kodambakkam,
Chennai 600 024.

3.The Junior Engineer,
Greater Chennai Corporation,
Zonal Office - 10,
Corporation of Chennai,
No.117, N.S.K.Salai,
Kodambakkam, Chennai 600 024.

+1cc to Mr.R. JAYAPRAKASH, Advocate, S.R.No.43074

CP(CO)
SM/17/02/2021

W.P.No.17546 of 2020