



W.P.No.32819 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.32819 of 2022
and W.M.P.Nos.32223 of 2022 & 1218 of 2024

The Assistant Commissioner,
North Zone, Coimbatore Corporation,
Coimbatore – 641 037.

...Petitioner

-Vs-

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

2. P.J.Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order No.57/Ma/2022, dated 18.07.2022 passed by the first respondent, quash the same as without jurisdiction.

For Petitioner : Mr.K.Magesh

For Respondents

For R1 : Mr.B.Nedunchezhiyan

For R2 : No appearance



W.P.No.32819 of 2022

ORDER

WEB COPY

This writ petition has been filed challenging the order passed by the first respondent dated 18.07.2022, thereby directed the petitioner to take appropriate action as against the officials and also return the amount which was deposited by the second respondent.

2. The second respondent filed a complaint dated 19.04.2022 before the first respondent alleging that the petitioner corporation without granting sufficient time directed him to pay the lease amount within a period of one week by their communication dated 08.07.2021 for two wheeler parking fees collection at Tudiyalur area, ward No.I, North Zone, Coimbatore.

3. Originally the second respondent was awarded with two wheeler parking collection at Tudiyalur area, ward No.I, North Zone, Coimbatore, from 01.04.2017 to 31.03.2020. Once again, fresh auction was conducted for the period 2020-2021 on 23.10.2020, after the Covid-19 lock down period. The petitioner quoted a sum of Rs. 2,82,900/- for one year period, which was below a sum of Rs.55,075/- compared to previous year lease amount of Rs.3,37,975/-. Therefore, the petitioner



W.P.No.32819 of 2022

corporation decided to re-auction the two wheeler parking fees collection on 29.12.2020. However, no one was participated in the auction. Hence the petitioner corporation decided to grant license to the second respondent for a sum of Rs.2,82,900/- for the period from 2021-2023. It was also approved by the Corporation Council by an order dated 26.02.2021.

4. However, due to Tamil Nadu State legislative general election and due to second wave of Covid-19 pandemic, it was communicated to the second respondent on 08.07.2021, thereby directing him to pay license amount within a period of one week. Once again the petitioner informed by its communication dated 30.09.2021 to pay the amount within a period of one week for awarding the license. However, the second respondent did not deposit the amount and he had sent a letter dated 17.11.2021, thereby requested the petitioner to grant four installments paying the lease amount due to Covid-19 pandemic situation. However, the second respondent did not make any request for cancellation of license for the period 2021-23 or refund of the fixed deposit and caution deposit. Therefore, the petitioner corporation had forfeited the deposits which were made by the second respondent and



W.P.No.32819 of 2022

decided to conduct fresh auction by the proceeding dated 17.12.2021.

Thereafter the second respondent never made any request for refund of deposit amount. Under these circumstances, the second respondent lodged the complaint with false allegations and the same has been entertained by the first respondent.

5. The learned counsel appearing for the petitioner submitted that the first respondent has no power or jurisdiction to entertain the complaint between the petitioner and the second respondent. Even then, the first respondent entertained the complaint and passed orders. He further submitted that in view of the interim order passed by this Court, whatever the amount deposited by the second respondent was returned to him.

6. The learned counsel appearing for the first respondent submitted that the first respondent is a statutory authority constituted under the Tamil Nadu Local Bodies Ombudsman Act, 2014 (hereinafter referred to as “the Act”). The Act empowers the first respondent to adjudicate and enquire into any written complaint from the government or that has come to the notice of the first respondent in which corruption or



W.P.No.32819 of 2022

maladministration of public servants or the local body is alleged. Further the provision under Section 12 of the Act empowers the first respondent to dispose the complaints other than those involving criminal offences.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8. On perusal of records revealed that the second respondent was granted license to collect parking fees at Tudiyalur area, ward No.I, North Zone, Coimbatore, for the period from 01.04.2017 to 31.03.2020. Even after surrendering the license before the expire of the pre-lease period, the second respondent requested to refund the deposit amount and security amount paid by him for three years. It was not considered by the petitioner corporation and conducted another auction.

9. As stated supra, due to covid-19, no one was interested to take contract to collect fees from two wheeler parking at Tudiyalur area, ward No.I, North Zone, Coimbatore. Therefore, the petitioner corporation rightly decided to grant license to the second respondent. But the second



W.P.No.32819 of 2022

respondent failed to pay the amount even after granting four installments to pay the said amount. Therefore, on the part of the petitioner corporation, there was no maladministration or irregularity. In fact, those intimations were duly forwarded to the Corporation Council and the same was accepted.

10. Therefore, without going into jurisdiction and power of the first respondent to enquiry into the complaint lodged by the second respondent, considering the above facts and circumstances, the order impugned in this writ petition cannot be sustained and liable to be quashed. Further, the second respondent also received the cause deposit and security deposit, which was already deposited by him at the time of entering into the contract.

11. In view of the above discussions, the impugned order dated 18.07.2022 passed by the first respondent in No.57/Ma/2022, is hereby quashed and the Writ Petition stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

06.09.2024



W.P.No.32819 of 2022

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts

To

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



WEB COPY



W.P.No.32819 of 2022

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.32819 of 2022
and W.M.P.Nos.32223 of 2022 & 1218 of 2024

06.09.2024