



WP(MD). No.23970 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 15/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.23970 of 2024

S.N. Subhash Chandra Bose

... Petitioner

Vs

1. Tamil Nadu Local Bodies Ombudsman,
No. 100, Annasalai, Guindy, Chennai.

2. The Director of Town Panchayat,
Directorate of Town Panchayat,
7th and 8th Floor, Urban Administrative
Office Campus, Chennai 600 028.

3. The District Collector
Tenkasi District, Collectorate, Tenkasi

4. Assistant Director of Town Panchayat,
Jawahar Nagar, Ngo B Colony,
Palayamkottai, Tirunelveli.

5. The Executive Officer,
Alangulam Special Grade Town Panchayat,
Alangulam, Tenkasi District.

6. M.Sudha,
W/o.Mohanlal,
The President,
Alangulam Special Grade Town Panchayat,
Tenkasi District.

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents 2 and 5 to take action against the 6th respondent under Section 32(1) (j) of the Tamil Nadu Urban Local Bodies Act 1998 within a time stipulated by this Court.

For Petitioner : Mr.D.Venkatachalam
For Respondent : Mr.D.Sadiq Raja for R2 to R4
Additional Government Pleader
Mr.D.Shanmugaraja Sethupati for R1
Mr.S.Kameswaran for R5

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a Mandamus directing the respondents 2 and 5 to take action against the 6th respondent under Section 32(1) (j) of the Tamil Nadu Urban Local Bodies Act 1998 within a time stipulated by this Court.

3. It is the case of the petitioner that 6th respondent was elected as Chairman of the Town Panchayat, as she failed to pay the arrears of property tax for the year 2022-23, despite service of notice, within a



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period of three months, she suffers disqualification under Section 32 of the Tamil Nadu Urban Local Bodies Act 1988. In this regard, the petitioner has given a complaint to the Ombudsman. The Ombudsman, by order, dated 17.10.2023 has passed an order directing the 2nd respondent to take action against the 6th respondent and a finding has been recorded that the 6th respondent committed default in payment of arrears of property tax. Despite such order passed, no action has been taken. Hence, the writ petition.

4. The learned Additional Government Pleader for the respondents 2 to 4 would submit that the entire arrear amount has been paid by the 6th respondent on 08.05.2023.

5. The learned counsel for the petitioner would submit that when a positive finding is recorded by the Ombudsman by directing the 2nd respondent to take action in this regard, no action has been taken in this regard. Hence, it is submitted that it is suffice if a direction is issued to the 2nd respondent to proceed as per law.



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6. Considering the limited scope of the matter, the 2nd respondent shall comply with the orders of the Ombudsman and initiate appropriate action as per law against the 6th respondent within three months from the date of receipt of a copy of this order. Necessary opportunities shall be given to the parties in this regard.

7. The writ petition is disposed of with the above direction. No costs.

15.10.2024

RR

TO

1. Tamil Nadu Local Bodies Ombudsman,
No. 100, Annasalai, Guindy, Chennai.

2. The Director of Town Panchayat,
At, Directorate of Town Panchayat,
7th and 8th Floor, Urban Administrative
Office Campus, Chennai 600 028.

3. The Assistant Director of Town Panchayat,
Jawahar Nagar, Ngo B Colony,
Palayamkottai, Tirunelveli.

4. The Executive Officer,
Alangulam Special Grade Town Panchayat,
Alangulam, Tenkasi District.

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