



W.P.No.28657 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.28657 of 2025

M.Rathish Kumar

... Petitioner

vs.

1. Principal Secretary to Government
Commissioner
Greater Chennai Corporation
Ripon Building, Chennai - 600 003
2. The Deputy Commissioner
(Works) Greater Chennai Corporation
Ripon Mansion, Chennai - 600 003
3. The Zonal Officer, Zone - 4
Greater Chennai Corporation
No.266, Thiruvottiyur Highway
Old Washermanpet, Chennai - 600 021
4. The Deputy Commissioner
Zone 4, Chennai Metropolitan Corporation
No.266, Thiruvettiyur Highway
Old Washermenpet, Chennai - 600 021

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5. The Supervising Engineer
Storm Water Drainage Department (Nodal Officer)
Greater Chennai Corporation
Ripon Mansion, Chennai - 600 003

6. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003

...Respondents

(Sixth Respondent *suo motu* impleaded vide this order)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 3 to act as per the order issued by the Tamil Nadu Local Body Ombudsman dated 28.11.2022 and to take immediate action for the removal of the illegal construction and encroachment made by Mr.Balakrishnan at No.53, Vinayagapuram Main Street, Tondairpet, Chennai - 600 081, direct the respondents to take disciplinary action against the officials responsible for allowing such unauthorized construction, as directed by the Hon'ble Tamil Nadu Local Government Ombudsman in Petition No.194/Ma/2022 within a time frame fixed by this Court.

For Petitioner	:	Mr.Hemanaag.I
For Respondents	:	Mr.M.Elumalai for Mr.A.C.Manibharathi Standing counsel for Greater Chennai Corporation

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ORDER

[Order of the Court made by M.SUNDAR, J.]

Captioned 'Writ Petition' ['WP' for the sake of brevity] is predicated on an 'order dated 28.11.2022 bearing reference ஆணை எண்:194/மா/2022 made by an Ombudsman under 'the Tamil Nadu Local Bodies Ombudsman Act, 2014' [hereinafter 'said Act' for the sake of brevity], which came into force on and from 13.11.2024' {hereinafter 'said order' for the sake of convenience}.

2. Learned counsel adverting to said order submits that there is indifference on the part of appropriate authority in implementing said order wherein Ombudsman has come to the conclusion that there is encroachment to an extent of 200 sq.ft in a 'Greater Chennai Corporation' ['GCC'] land in Zone 4.

3. Issue notice.

4.M.Elumalai, learned counsel representing Mr.A.C.Manibharathi, learned Standing counsel for GCC accepts notice for all five respondents and submits that implementation by appropriate authority is in the anvil.

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5. As regards said Act, Section 16 is the Rule making power and in exercise of Rule making power, Government of Tamil Nadu has made 'the Tamil Nadu Local Bodies Ombudsman (Manner of Filing, Inquiry and Disposal of Complaints) Rules, 2015' [hereinafter 'said Rules' for the sake of brevity], which came into force on and from 28.09.2025.

6. Rule 12 deals with implementation and it is captioned 'Implementation of the order of the Ombudsman'. Rule 12 of said Rules reads as follows:

'12. Implementation of the order of the Ombudsman.- All the parties to the complaint and other persons to whom a direction was issued by Ombudsman in his/her order, as the case may be, are liable to implement the order of the Ombudsman. In case of non-implementation, severe action shall be taken by the competent authorities against those who fail to implement the orders of the Ombudsman, on a reference made by the Ombudsman.'

7. Adverting to aforesaid Rule 12, Mr.M.Elumalai, learned counsel representing the Standing counsel for GCC submits that the Commissioner of GCC is the Competent Authority vide Rule 12 of said Rules. Therefore, we *suo motu* implead the Commissioner, Greater Chennai Corporation, Rippon Building, Chennai - 600 003 as Sixth Respondent and Mr.M.Elumalai, learned counsel representing Mr.A.C.Manibharathi, learned



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Standing counsel for GCC accepts notice for Sixth Respondent also.

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8. Learned Standing counsel for GCC submitted that action of competent authority is in the anvil and the same will be commenced as expeditiously as the business of Sixth Respondent permits but in any event within four weeks from today i.e., on or before 01.09.2025. This submission is recorded as an undertaking given to this Court by Sixth Respondent.

9. Though obvious we make it clear for the sake of specificity that when action is commenced in the aforesaid manner by Sixth Respondent, all the rights and contentions of the alleged encroachers qua said order stand preserved. In other words, this order will not impact the rights of person proceeded against by sixth respondent and rights of sixth respondent (if any) will stand preserved.

10. In the light of the narrative thus far, this Court is of the considered view that recording the stated position of learned Standing



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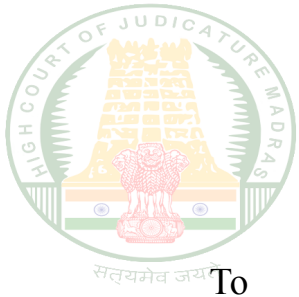
counsel for GCC will suffice to give a closure to the captioned WP. We do

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Captioned WP disposed of recording the stated position of learned
Standing counsel for GCC. There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
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Index: Yes/No
N.C. : Yes/No
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