



W.P.No.38772 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.38772 of 2025

&

W.M.P.Nos.43384 & 43385 of 2025

K.G.Elangovan

.. Petitioner

Vs.

1. The Tamilnadu Local body Ombudsman
No.100, Anna Salai, Guindy,
Chennai -600 032.

2. The Greater Chennai Corporation
Rep. by its Commissioner
Rippon Building
Chennai.

3. The Zonal Officer
Zone-11
Greater Chennai Corporation
No, 33, Arcot Road
Valasaravakkam
Chennai -600 087.

4. F.Jobinston Sherwin

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records on the file of the 1st respondent in Order No.215/M/2023 dated 30.08.2023 and quash the same.

For Petitioner : Ms.D.Bharathy

For Respondents : Mr.A.Arun Babu
Standing Counsel
for Respondents 2 & 3

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Petitioner has challenged the order dated 30.08.2023 passed by the Ombudsman in the matter of complaint made by fourth respondent alleging illegal construction having been raised by petitioner.

2. Learned counsel for petitioner would submit that the Ombudsman proceeded to pass orders without affording him any opportunity of hearing.



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3. There is a chequered history of litigation, which is reflected from various orders passed by this High Court and also by the Supreme Court. However, till date, no finding appears to have been recorded by the Corporation.

4. After going through the orders passed by the Ombudsman, all that we find is that the Ombudsman has observed that the authorities are guilty of inaction. No specific finding has been recorded that petitioner's construction is illegal one. Indeed, this is required to be considered only by the Corporation.

5. It goes without saying that if any proceedings are initiated or have been initiated against petitioner by the Corporation, pursuant to various orders which have been passed from time to time, petitioner is entitled to an opportunity of hearing to counter the allegation and satisfy the Corporation that whatever construction has been raised by him is not illegal.



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6. Since the Ombudsman has not recorded any finding against petitioner, the consequence would be that those who are guilty of inaction in not making any enquiry on the complaint may be subjected to disciplinary action.

7. We are not inclined to keep this petition pending, but dispose it of with an observation that in the enquiry on the complaint made by fourth respondent, the Corporation shall give appropriate opportunity of hearing to petitioner, before arriving at any final conclusion on the allegation of illegal construction.

8. Petition is disposed of. There shall be no order as to costs. Consequently, the interim applications are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
24.10.2025

Index : Yes/No
Neutral Citation : Yes/No
kpl



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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