



W.P.(MD) No.9541 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

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THE HONOURABLE DR.JUSTICE R.N.MANJULA

W.P.(MD) No.9541 of 2025

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... Petitioner

Vs

1. The Director of Vigilance And Anti Corruption,
No.293, MKN Road,
Alandur,
Chennai - 600 016.

2. The Deputy Superintendent Of Police,
Vigilance and Anti Corruption,
Tirunelveli.

3. The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli.

4. The Commissioner,
Town Panchayat,
Urban Administrative Office Campus,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

5. The Executive Officer,
Selection Grade Town Panchayat,
Valliyoore - 627 117, Tirunelveli 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 1 to 4 to take action according to law after conducting proper enquiry against 5th respondent and the other persons involved in the above misdeeds including collecting huge amount within a stipulated time by considering petitioner's representation dated 13.01.2025, that followed by another representation 17.03.2025.

For Petitioner : Mr. T.R.Janarthanan

For Respondents : Mr.R.Meenakshi Sundaram (R1-R3)
Additional Public Prosecutor

Mr.A.Oliraja (R4)
Government Advocate

Mr.Veera Kathiravan (R5)
Additional Advocate General
Assisted by
Mr.H.Arumugam

ORDER

Heard Mr. T.R.Janarthanan, learned counsel for the petitioner, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor for the respondents 1 to 3, Mr.A.Oliraja, learned Government Advocate for the 4th respondent and Mr.Veera Kathiravan, learned Additional Advocate General for the 5th respondent.



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2.The writ petition has been filed seeking for a writ of mandamus directing the respondents 1 to 4 to take action according to law after conducting proper enquiry against the 5th respondent involved in the alleged misdeeds by way of collecting huge amount, by considering the representations of the petitioner, dated 13.01.2025 and 17.03.2025.

3.The petitioner claimed to be a social worker, who has previously filed Public Interest Litigation petition in WP(MD) No.22077 of 2017 seeking to restrain the officials from granting permission to conduct a public meeting in any kind, near Old Bus Stand, near Valliyoor. There is a proposal to construct a Smart City bus stand by the Government of Tamil Nadu and an advertisement was made on 21.02.2024 in all the leading newspapers by the 5th respondent inviting tenders from qualified contractors to make constructions of several Buildings, Commercial Complexes and Hotels etc., at a estimated cost of Rs.12 crores and odd. In the publication, it was announced that public auction would be held on 18.12.2024 at Town Panchayat Office Building, Valliyoor. The petitioner has also applied to participate in the auction by paying the Earnest Money Deposit of Rs.5 lakhs. But the auction has been conducted only for 11 shops on 18.12.2024 by leaving other 48 buildings. The rest of the contracts



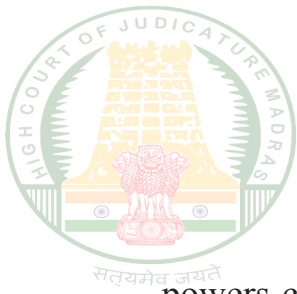
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were allotted to the persons favourable to the 5th respondent without conducting any auction. The 5th respondent has swindled several lakhs of money by short-cutting the public auction process. Out of 18 members, 10 members of the Town Panchayat have lodged a complaint before the District Collector and the Vigilance Department at Tirunelveli about the alleged misdeeds of the 5th respondent and others on 23.12.2024. Another representation has also been sent on 13.01.2025, but so far no action has been taken. Hence, this writ petition has been filed by the petitioner.

4. When the matter was listed on 23.04.2025, this Court has passed an order directing the Town Panchayat to produce the video of the auction proceedings.

5. However, when the matter is listed today, the learned Additional Advocate General appeared on behalf of the 5th respondent submitted that as per the Tamil Nadu Local Bodies Ombudsman Act, 2014 (hereinafter referred to as 'the Act 2014'), the person who is having a grievance about the corruption or misadministration of a public servant or a local bodies, can file a complaint before the Ombudsman or he can initiate enquiry proceedings, in view of the



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powers conferred under Section 7 of the Act, 2014. For the sake of clarity, the above provision is extracted hereunder:

“Section 7 in Tamil Nadu Local Bodies Ombudsman Act, 2014

7. Functions of Ombudsman:- *The Ombudsman shall perform all or any of the following functions, namely :-*

(i)enquire into any written complaint from the Government or that has come to the notice of the Ombudsman in which corruption or maladministration of a public servant or a local body is alleged;

(ii)pass an order on the proved allegation in the following manner, namely :-

(a)where the irregularity involves a criminal offence committed by a public servant, the matter shall be referred to the appropriate investigating agency for necessary action;

(b)where the irregularity involves loss of the fund of the local body, order recovery of such loss from those who are responsible for such irregularity;

(c)where the irregularity is due to wilful negligence or dereliction of duty of any officer or employee of the local body, recommend for departmental action by the appropriate authority under the relevant rules.”

6.The petitioner appears to have filed a petition, without exhausting the statutory remedy available to him. In case of any written



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complaint given by the petitioner before the Ombudsman Board, then also it is possible for the 5th respondent to produce any documents including video clipping showing the fairness of public auction, if any, and discharge himself from the allegations. The petitioner can address his grievance by way of filing a written complaint to the Ombudsman as per the remedial provision available under the Act, 2014 and seek his remedy.

7.It appears from the communication of the 1st Respondent, dated 14.02.2025 to the petitioner that his complaint requires verification of documents by the concerned Department and hence, the same was forwarded to the 4th respondent/ Commissioner of Town Panchayats, Urban Administration Office Campus for taking necessary action at their end.

8.In such case, it is up to the petitioner either to participate in the enquiry that might be initiated by the 4th Respondent or to file a written complaint before the Ombudsman in accordance with the provision above cited.



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9. With these observations, this petition stands disposed of.

07.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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No.293, MKN Road,
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2. The Deputy Superintendent Of Police,
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Madurai Bench of Madras High Court, Madurai.



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R.N.MANJULA, J.

PNM

ORDER IN
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