



W.P.(MD) No.18025 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

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THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.18025 of 2025

R.Sivasubramanian

... Petitioner

Vs.

1.The Tamilnadu Local Bodies Ombudsman,
No.100, Annasalai,
Guindy, Chennai 600 032.

2.The Commissioner,
Sivagangai Municipality,
Sivagangai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the first respondent vide Na.Ka.No.228/Na/2024 dated 15.05.2025 and quashing the same as illegal and unconstitutional and consequently directing the first respondent to conduct fresh enquiry upon the petitioner's application in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran

For R1 : Mr.D.Shanmugaraja Sethupathy



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ORDER

Heard the learned counsel for the petitioner and the learned counsel for the first respondent. Since no adverse orders are proposed to be passed against the second respondent, notice on the second respondent is dispensed with.

2. The petitioner has challenged the impugned order dated 15.05.2025, bearing reference Na.Ka.No.228/Na/2024, passed by the first respondent, whereby the complaint filed by the petitioner before the first respondent under Section 3 of the Tamil Nadu Local Bodies Ombudsman Act, 2014, on 21.08.2024, was rejected.

3. The case of the petitioner is that his grandmother, namely Meenal, had purchased the subject property from Janaki Vagaira, Rajammal, and others, *vide* Sale Deeds dated 01.06.1971, registered as Document Nos.684/1971 and 685/1971. It is stated that the petitioner's grandmother passed away on 28.04.1982, after which the property records were mutated in the names of her legal heirs. It is further submitted that the petitioner's father and aunt, Ragini, who were among the legal heirs,



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have also passed away, and that only the petitioner and his mother alone are the surviving legal heirs of the petitioner's father.

4. It is further submitted that, in the revenue records, particularly in the Town Survey Land Register under the column of Adangal in the UDR details, the names of the petitioner's father and mother have been recorded along with others. It is also submitted that the petitioner's father passed away on 07.07.1997.

5. It is further submitted that one Kannammal and Ramachandran have put up the construction, and that, anticipating a suit from the petitioner, the Commissioner, Sivagangai Municipality, and one Umapathi, who is one of the legal heirs of the said Meenal, i.e., the petitioner's paternal uncle, the said Kannammal, along with one Mekala and Sangeetha, filed Caveat O.P.No.35 of 2024 before the District Munsif Court, Sivagangai. It is submitted that the mere filing of Caveat O.P. was not the reason for not exercising the power under Section 3 read with Section 7 of the Act.



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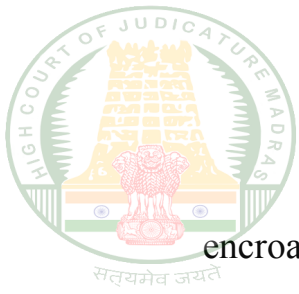
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6. The learned counsel for the first respondent submits that the impugned order cannot be found fault with. It is submitted that the petitioner had filed an application without naming the persons in whose favour the property tax assessment was made and that the prayer of the petitioner before the first respondent was for cancelling the property tax assessment, rectifying the purported error in the assessment order in respect of the names of the persons, and taking appropriate action.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the first respondent.

8. In my view, this Writ Petition is premature and appears to be an attempt to fast-track the proceedings without properly establishing the rights before the Court. Admittedly, the said Kannammal, along with Mekala and Sangeetha, filed Caveat O.P.No.35 of 2024 before the District Munsif Court, Sivagangai, in connection with the proposed construction over the land, in respect of which the property tax assessment was made by the second respondent and his subordinate officers.

9. In case it is the petitioner's contention that his land has been

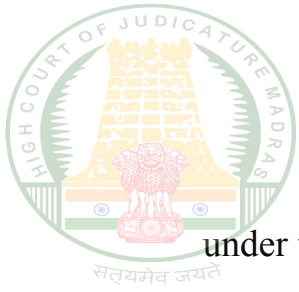


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encroached upon, and that he holds valid title over the same, and that the construction proposed to be put up by the said persons is illegal, the proper course would be to secure a decree from the competent civil court for their removal. Only when it is established that the petitioner has such rights and has obtained a decree in his favour, which remains unchallenged, the petitioner can initiate proceedings under the provisions of the Tamil Nadu Local Bodies Ombudsman Act, 2014.

10. In my view, this Writ Petition is premature and therefore has to be rejected on the ground that it is for the petitioner to work out the remedy before the civil court. Although the impugned order refers to the filing of the Caveat O.P. as the reason for rejecting the application, the ultimate decision of rejection cannot be questioned merely because it was passed on a different ground.

11. However, liberty is given to the petitioner to work out the remedy in the manner known to law and, thereafter, to approach the appropriate authorities under the provisions of the Tamil Nadu Local Bodies Ombudsman Act, 2014, if any deviation is committed by the second respondent or any of his subordinates, by initiating proceedings



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under the said Act.

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12. With the above liberty, this Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

To

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C.SARAVANAN, J.

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