



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 24718 of 2023

and

WMP Nos. 24152 and 24153 of 2023

K.Raja

..Petitioner

Vs

1. Tamil Nadu Local Bodies Ombudsman,
Office of the Tamil Nadu Local Bodies,
Ombudsman, No.100, Anna Salai, Guindy,
Chennai-32.
2. The Commissioner,
Nagapattinam Municipality,
Nagapattinam.
3. Marimuthu

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 1st respondent in his order No.149/Na./ 2023 dated 21.07.2023 and quash the same.

For Petitioner :

Mr.A.Muthukumar

For Respondents :

Mr. B. Nedunchezhiyan for R1

R2 and R3 – No appearance



Order

(Order of the Court was made by S.M.Subramaniam J.)

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The present Writ Petition has been filed challenging the order No. 149/Na./ 2023 dated 21.07.2023 passed by the Tamil Nadu Local Bodies Ombudsman Court.

2. The learned counsel for the petitioner would submit that based on the order impugned, the Commissioner, Nagapattinam Municipality is orally threatening the petitioner for demolition of sunshade constructed in front of the house of the petitioner.

3. A perusal of the order impugned would show that one Mr.G.Marimuthu filed an appeal before the Ombudsman against the Commissioner, Nagapattinam Municipality and the petitioner is not a party to the said proceedings. However, the Ombudsman issued a direction for removal of the encroachment. Since the petitioner is not a party in the proceedings before the Ombudsman any enforcement action if proposed, it is to be initiated only by following the procedures as contemplated under the relevant statute and Rules in force.

4. For removal of encroachment, the competent Authority should issue notice to the encroacher affording opportunity to defend his case. As of now there is no such enforcement action commenced. Since the petitioner is not a



party to the Ombudsman proceedings and enforcement actions have not been commenced, the present Writ Petition is pre-mature. Based on the apprehension, the Writ Petition appears to be filed. Thus, in the even of issuance of notice by the competent Authority based on the order passed by the Ombudsman, the petitioner is at liberty to defend his case in the manner known to law.

5. With these directions, this Writ Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.S.,J.)
24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DSA

To

1. Tamil Nadu Local Bodies Ombudsman,
Office of the Tamil Nadu Local Bodies,
Ombudsman, No.100, Anna Salai, Guindy,
Chennai-32.
2. The Commissioner,
Nagapattinam Municipality,
Nagapattinam.



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

DSA

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