

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No128 of 2015

and

M.P.No1 of 2015

V.K.Palanivel .. Appellant /Petitioner

Vs.

1.The Commissioner of
Municipal Administration,
Chepauk, Chennai-5.

2.The Regional Director of
Municipal Administration,
Chengalpattu Region,
Chengalpattu.

.. Respondents /Respondents

This Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 02.02.2010 passed in W.P.No.9894 of 2006.

W.P.No.9894/06:-

Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings Roc.No.7194/02/WS2, dated 14.2.2006, quash the same and consequentially direct the first and second respondents to direct all the Municipalities to issue a work order only to the petitioner to any individual in the Chengalpattu Region.

For Appellant : Mr.Govindarajan
for Mr.K.Govi Ganesan

For Respondents : Mr.N.Sakthivel, GA

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

This instant intra-court appeal arises from the order dated

02.02.2010 passed in W.P.No.9894 of 2006.

2. The appellant/ writ petitioner claiming to be the licensed and certified Plumber, has come up with the said writ petition, questioning the legality and validity of the proceedings dated 14.2.2006 issued by the first respondent, whereunder, it has been provided that consumers may have the freedom to get house service connection effected through plumber of his choice. The learned Single Judge dismissed the writ petition, holding that the said circular was based on G.O.Ms.No.287, Municipal Administration and Water Supply (Election) Department dated 5.11.1996. Thus, the circular is not in contravention with the Government Orders.

3. Pursuant to the notice dated 8.11.2002, the writ petitioner has made an application to register himself as contract plumber. He was accordingly registered and certified to be the registered plumber. The Government has earlier passed G.O.(D)No.523 dated 19.9.1995, whereunder it was prescribed that certified plumbers under common register be entrusted with the work relating to local bodies. The first respondent, thereafter, by a circular dated 14.2.2006 modified the same and issued a direction that consumers may have freedom to get house service connection effected through a plumber of his choice.

4. The learned counsel appearing for the appellant / writ petitioner submits that if consumers are not directed to take the services of only licensed and certified plumbers, the writ petitioner would suffer irreparable loss as he has deposited security money for obtaining such a certificate. It is also contended that the quality of water service connection would also suffer on account of engagement of unqualified plumbers.

5. We have heard the learned counsel for the parties and also perused the pleadings and documents appended thereto. After issuance of G.O. dated 19.9.1995, the State Government has issued another Government Order in G.O.Ms.No.287 dated 05.11.1996, wherein it was directed to amend the bylaws by permitting even uncertified plumber to effect water connection to the consumers in their houses. Relying on the said G.O., the Corporation has issued the impugned circular (proceedings). Thus, the contention of the learned counsel for the appellant / writ petitioner that it is contrary to the Government Order has no basis and it was rightly rejected by the learned Writ Court.

6. Secondly, the petitioner has not acquired any right by virtue of his registration with the Corporation to deploy the certified plumber only to assist the householder in obtaining water connection and as such, no writ can be issued directing the authorities not to permit unauthorised plumbers to effect water connection in the houses of consumers. The learned Single Judge has

rightly come to the conclusion that the writ petition was devoid of merit.

7. Resultantly, the writ appeal is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

1.The Commissioner of
Municipal Administration,
Chepauk, Chennai-5.

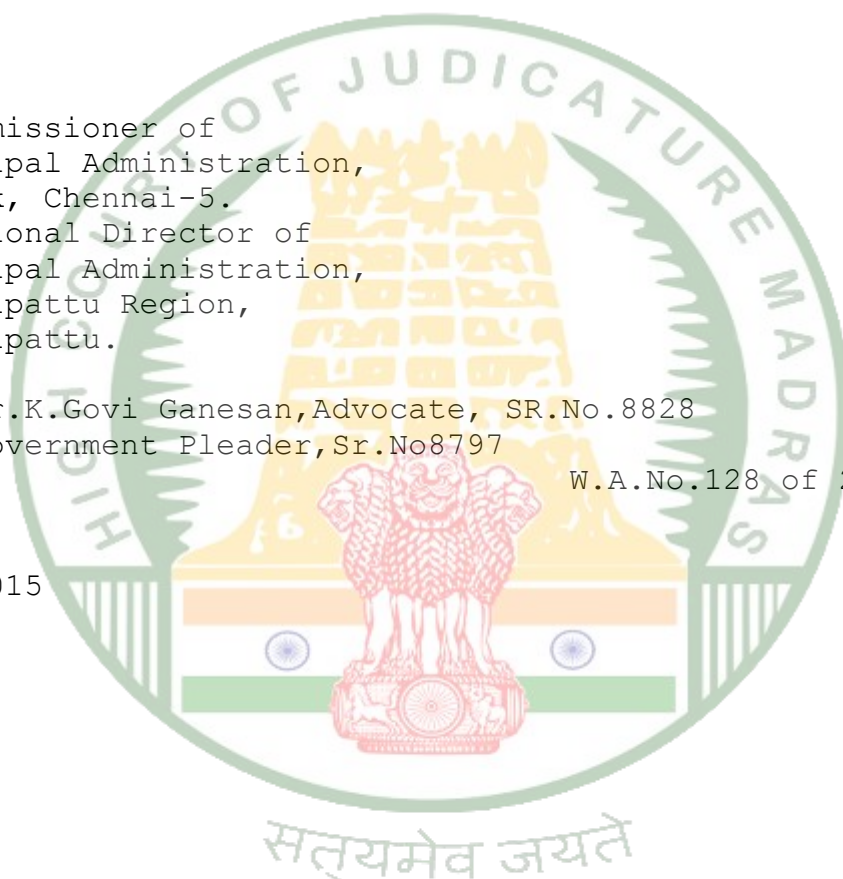
2.The Regional Director of
Municipal Administration,
Chengalpattu Region,
Chengalpattu.

1 cc to Mr.K.Govi Ganesan,Advocate, SR.No.8828

1 cc to Government Pleader,Sr.No8797

W.A.No.128 of 2015

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