

In the High Court of Judicature at Madras

Dated: 07.10.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mrs. Justice PUSHPA SATHYANARAYANA

Writ Petition No.31576 of 2015

Dr. K.R. Ramaswamy @
Traffic Ramaswamy

.. Petitioner

vs.

1. State Rep. by
The Chief Secretary,
Government of Tamil Nadu
Fort St. George, Chennai-9.
2. The Municipal Administration &
Water Supply Department
Tamil Nadu Secretariat, Chennai-9.
3. The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai-3.
4. The Member Secretary
CMDA, Gandhi Irwin Road
Egmore, Chennai-8.
5. The Additional Director General of Police
Fire and Rescue Service
Lakshmipathy Rukmani
Egmore, Tamil Nadu.
6. The Commissioner of Police
Greater Chennai City
Egmore, Vepery, Chennai-7.
7. The Additional Commissioner of Police
Chennai City Traffic, Chennai City
Vepery, Chennai-7.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondents 3, 6 and 7 to consider the representation sent in public interest dated 10.04.2015 to give proper protection to the Owners or Corporation Officials for the demolition of their old, worst condition buildings in the George Town area before any Casualty like before in G.T. Area, that too coming rainy season the buildings may collapse any time risking the lives of bye passers also apart from encroachers as per photo attached for example of the conditions to the letter and spirit.

For Petitioner : Dr. K.R. Ramaswamy @
Traffic Ramaswamy
Party-in-person

For Respondents : Mr. S.T.S. Murthi
Govt. Pleader, assisted by
Mr. V. R. Kamalanathan
Addl. Govt. Pleader for R1, 2 & 5 to 7
Mr. K. Soundararajan
Standing Counsel for R3
Mr. K. Raja Srinivas
Standing Counsel for R4.

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner seeks to raise the issue of the dilapidated and dangerous buildings stated to be awaiting demolition in the George Town area on account of lack of adequate protection from the police either for the owners or the Corporation due to encroachers demanding huge amount to vacate the buildings or preventing such action through katta panchayats. It is alleged that the owners are apprehensive to take action in pursuance to the notice of the Corporation of Chennai/third respondent and are willing for the Corporation to take action at their costs. The Corporation is also not taking action, as it is alleged that their officers are also apprehensive unless and until adequate police force is made available.

2. It is submitted on behalf of the respondent authorities that once a building is found unsafe, appropriate notices are issued and proper methodology has to be utilised for bringing down the building. As far as the role of the police is concerned, it is agreed by all that adequate security arrangements are required to be made, more so, in view of the specific provision under Section 96 of the Tamil Nadu Town and

Country Planning Act, 1971. The said provision reads as under:

"96. Duties of Police Officers.- It shall be the duty of every Police Officer-

(a) to co-operate with the planning authority for carrying into effect and enforcing the provisions of this Act or any rule or regulation made thereunder;

(b) to communicate without delay to the proper officer or servant of the planning authority any information which such Police Officer receives of a design to commit, or of the commission of, any offence against this Act or any rule or regulation made thereunder; and

(c) to assist the planning authority or any officer or servant of the planning authority reasonably demanding the aid of such Police Officer for the lawful exercise of any power vesting in the planning authority or any such officer or servant under this Act or any rule or regulation made thereunder."

3. A reading of the aforesaid provision, thus, clearly requires the Police Officer to co-operate with the Planning Authority for enforcement of the provisions of this Act.

4. We are of the view that all that is required is better coordination between the different respondent authorities, inasmuch as the buildings which require demolition and where the owners have expressed their willingness to the authorities to pay for the demolition action to be carried out by the Corporation, it would be appropriate for the Corporation to forthwith proceed with the matter in coordination with the police authorities, who would give adequate police protection on advance notice being served by the municipal authorities.

5. The writ petition stands disposed of in the aforesaid terms. No costs.

sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ATR

Copies to;

1. The Chief Secretary,
Government of Tamil Nadu
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6. The Commissioner of Police
Greater Chennai City
Egmore, Vepery, Chennai-7.
7. The Additional Commissioner of Police
Chennai City Traffic, Chennai City
Vepery, Chennai-7.

+2 CC to Dr.K.Ramasamy ADVOCATE. SR.NO. 54354
+1 CC to Govt.Pleader. SR.NO. 54532
+1 CC to MR.K.Soundararajan ADVOCATE. SR.NO. 55349
+1 CC to MR.K.Raja Shrinivas ADVOCATE. SR.NO. 54908

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CO-VGI
JD 15/10/2015