

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.26101 of 2015

Rajiv Rai

... Petitioner

-Vs-

1. The State of Tamil Nadu,  
Rep. By its Secretary,  
Dept. of Housing & Urban Development,  
Fort St. George, Chennai.
2. Tamil Nadu Generation and Distribution  
Corporation Limited, NPKRR Maaligai,  
144, Anna Salai, Chennai.
3. Member Secretary,  
Chennai Metropolitan Development  
Authority, Thalamuthu Natarasan  
Maligai, Egmore, Chennai.
4. The Commissioner,  
Corporation of Chennai,  
Ripon Buildings, Chennai.
5. Government of India, सत्यमेव जयते  
Rep. By its Secretary,  
Ministry of Environment, Forests and  
Wildlife, 6, Kushak Road,  
New Delhi.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the third and fourth respondents to demolish the unauthorized construction being put up by the second respondent in Door No.1, S.No.3956, Block No.57, North Avenue, Kesavaperumal Puram, Chennai 600 028.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.S.T.S.Murthi,  
Government Pleader,  
for R-1, assisted by  
for Mr.V.Shanmugasundar,  
Government Advocate

: Mr.P.R.Dhilipkumar for R-2

: Mr.C.Johnson for R-3

: Mr.K.Soundararajan for R-4

: Mr.Su.Srinivasan,  
Assistant Solicitor General, for R-5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The report given by the Indian Institute of Technology (IIT), Chennai, contains the conclusions in para 5, which are as under:

''5.Conclusions

The Committee, as per the requirements of the Honourable High Court of Madras, has taken a detailed look at the measures prescribed for substation construction, safety measures to be adhered to and their adherence in the present case of the 230 KV GIS substation at RA Puram. The following are the conclusions of the study done by the Committee:

1. The construction of the substation is far from complete. The Committee finds that the site is expected to be safe from flooding and the construction provides adequate ways of water elimination. The present floor level of the GIS substation is expected to be higher than the recent flood level and hence the Committee considers this adequately safe.
2. The Committee finds that various equipment have been specified as per standards. Therefore the Committee concludes that quality of equipment used will not be compromised.
3. The Committee finds that the contractor, M/s.ABB has provided adequate details about the safety procedures followed in project execution.

4. In the case of civil construction, overall, the building is safe against the anticipated loads during its service life and complies with provisions of the relevant IS codes of practice.
5. The Committee has enquired into various aspects of safety such as earthing, electromagnetic fields, gas protection, fire protection, equipment selection and finds that relevant procedures have been followed as per standards.

In view of the foregoing the Committee does not see any cause for alarm about the safety requirements being adhered to. There is no prima facie reason the Committee has encountered to suspect that the safety procedures, as outlined and built into the design will not be adhered to in implementation."

2. In view of the aforesaid report, we are not inclined to examine the public interest litigation any further. In fact, we may note that the counsel appearing for the petitioner (there is a change of counsel now) at that stage, stated before this Court that he would be satisfied if the IIT, Chennai, gives a clearance from safety point of view.

3. Writ Petition, accordingly, stands closed. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Govt. of Tamil Nadu,  
Dept. of Housing & Urban Development,  
Fort St. George, Chennai.
2. Tamil Nadu Generation and Distribution  
Corporation Limited, NPKRR Maaligai,  
144, Anna Salai, Chennai.
3. Member Secretary,  
Chennai Metropolitan Development  
Authority, Thalamuthu Natarasan  
Maligai, Egmore, Chennai.

4. The Commissioner,  
Corporation of Chennai,  
Ripon Buildings, Chennai.

5. The Secretary to Govt. of India,  
Ministry of Environment, Forests and  
Wildlife, 6, Kushak Road,  
New Delhi.

+1cc to Mr.S.Ramesh, Advocate, S.R.No.16718  
+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.16361  
+1cc to Mr.Su.Srinivasan, Advocate, S.R.No.16676  
+1cc to Mr.C.Johnson, Advocate, S.R.No.16512  
+1cc to Mr.K.Soundararajan, Advocate, S.R.No.16444  
+1cc to the Government Pleader, S.R.No.16692

W.P.No.26101 of 2015

VSN(CO)  
CA(28/03/2016)



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