

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.21874 of 2008

K.R.Ramaswamy @ Traffic Ramaswamy ... Petitioner

-vs-

1.State, rep. By the Secretary,
Municipal Administration
Govt. of Tamil Nadu,
Secretariat, Chennai 600 009.

2.The Member Secretary,
Chennai Metropolitan Development
Authority, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 600 003.

4.The Commissioner of Police,
Greater Chennai City,
Egmore, Chennai-8.

5.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.

6.The Chairman
Chennai Metropolitan Water Supply
and Sewerage Board, Pumping
Station Road, Chennai-2.

7.The Director General of Police,
Tamilnadu, Mylapore,
Chennai 600 004.

8.A.Sarbuddin
9.K.Saleem
10.S.A.Sainudeen
11.Abdul Naseer
12.Mohamed Kaseem

(RR8 to 12 impleaded as per order

dt.12.02.2009 in M.P.Nos.1 to 3/2009)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent and second respondent to conduct an appropriate enquiry on their subordinates and punish the delinquent, cause of the holocaust and the fatal consequences of loss to many innocent lives on 01.09.2008 at Ranganathan Street, T.Nagar, Chennai.

For Petitioner : Mr.P.T.Perumal
For Respondents : Mr.V.R.Kamalanathan
Addl.G.P. for RR 1, 4 and 7
: Mr.Raja Srinivas for R-2
: Mr.K.Soundararajan for R-3
: Mr.P.R.Dillipkumar for R-5

* * * * *

O R D E R

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

A batch of writ petitions dealing with the issue of encroachments was decided on 23.08.2006 in W.P.No.17646 of 2006 and other connected matters, that writ petition having been filed by the petitioner. In terms of the said judgment, the Corporation was required to take steps to remove encroachments in all busy streets as set out therein and for the Commissioner of Police to provide adequate police force. It may be added here that an S.L.P. is stated to have been filed against that order, but only qua another aspect of building regulation.

2.It is the case of the petitioner that nothing was done by the respondents and on 01.09.2008, a fire accident broke out in Saravana Stores at Ranganathan Street, the said street being covered by the directions. People lost their lives and property. Thus, in the present petition, the prayer is for an enquiry to be conducted and the delinquent officers to be punished.

3.The counter-affidavit filed by the Tahsildar shows that there were encroachments albeit reduced over a period of time as informed by the Corporation. The fact, however, remains that though the fire is stated to have been allegedly accidental, encroachments and roads prevent ingress and egress as also the access to the fire tender. The matter has been lying half-buried and it is only after eight years, it has been brought before us by the Registry.

4.Considering the limited scope of what can be done in the matter, we are of the view that the only direction to be passed in the present matter is for the Corporation to ensure that Ranganathan Street, T.Nagar, is kept free from any encroachment and the existing encroachments be removed in accordance with law. The exercise be completed within a maximum period of three (3) months from the date of receipt of the order, with intimation to the petitioner.

5.Writ petition, accordingly, stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

- 1.The Secretary to Govt.,
Municipal Administration
Govt. of Tamil Nadu,
Secretariat, Chennai 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development
Authority, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 3.The Commissioner,
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Ripon Building, Chennai 600 003.
- 4.The Commissioner of Police,
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6.The Chairman
Chennai Metropolitan Water Supply
and Sewerage Board, Pumping
Station Road, Chennai-2.

7.The Director General of Police,
Tamilnadu, Mylapore,
Chennai 600 004.

+1 cc to Mr.K.Soundararajan Advocate sr.39280
+1 cc to Mr.Perumal Associates sr.39189
+1 cc to K.Raja Srinivas Advocate sr.39115

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