

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.5415 of 2016

P.Arivumani

... Petitioner

Vs

1. The Commissioner
Chennai Corporation Office
Rippon Buildings, Chennai 600 003.

2. The Zonal Officer
Part-II, Valasaravakkam
Chennai.

3. The Assistant Engineer
Ward No.148, Nerkundram
Chennai 107.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein to consider and pass orders on the representation of the petitioner dated 15.12.2015 submitted claiming payment of compensation, damages for the loss caused by the respondent's men.

For Petitioner : Mr.S.Dakshinamoorthy

For R1 : Mr.P.V.Selvakumar

ORDER

Heard Mr.S.Dakshinamoorthy, learned counsel for the petitioner ; learned Mr.P.V.Selvakumar, learned counsel accepting notice on behalf of the 1st respondent and with their consent, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner, a practising Advocate before this Court, has filed this writ petition seeking for issuance of a writ of mandamus to consider his representation dated 15.12.2015

in which, he claimed compensation from the officials of the respondent/Corporation for the alleged damage caused to his office premises on account of flooding.

3. It is an admitted case of the petitioner that there was a staircase covering the drainage channel which appears to have been cleared to ensure free flow of water. Therefore, if there was any unauthorised construction by closing the drainage, the respondent/Corporation was justified in removing the same. Whether the flood occurred on account of any other issue, cannot be examined in a writ petition.

4. Learned counsel for the petitioner placed reliance on a Government Order in G.O.Ms.No.436 Revenue Department dated 20.12.2015, stating that the Government has directed the District Collectors to issue necessary certificates in respect of the flood affected villagers/farmers/families/industries etc., for availing various reliefs and concessions from the Banks including the Cooperative Credit Institutions. I am afraid that this Government Order would have no application to the facts and circumstances of the case. Therefore, the prayer sought for, cannot be granted.

5. Therefore, while rejecting the relief sought for by the petitioner, it is left open to him to pursue his civil remedies, if he is so advised.

6. With the above observation, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

AP

To

1. The Commissioner
Chennai Corporation Office
Rippon Buildings, Chennai 600 003.

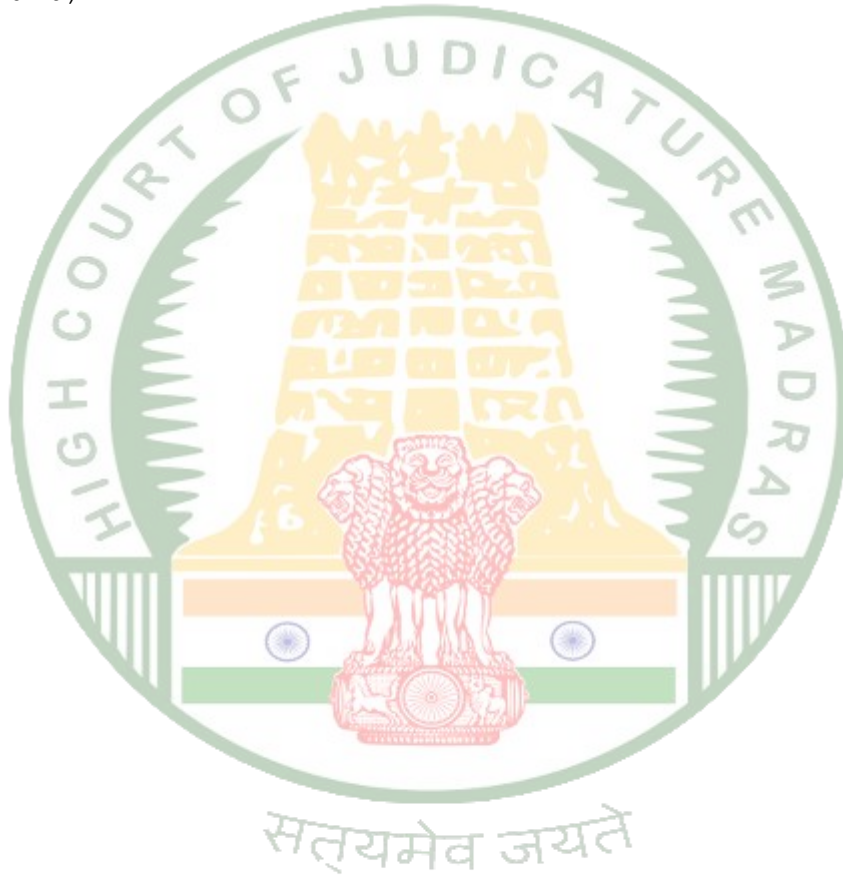
2. The Zonal Officer
Part-II, Valasaravakkam
Chennai.

3. The Assistant Engineer
Ward No.148, Nerkundram
Chennai 107.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.9756

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SR(CO)
CA(24/02/2016)



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