



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.[MD].No.6411 of 2016

Amal Anthony Ambrose Freeman

... Petitioner

-vs-

1.The Additional Principal Secretary,
Secretariat, Chennai-600 009.

2.The Transport Commissioner,
O/o.Transport Commissioner,
Ezhilagam, Chepak,
Chennai-5.

3.The Joint Transport Commissioner (Administration),
O/o.Transport Commissioner,
Ezhilagam, Chepak,
Chennai-5.

4.The Deputy Transport Commissioner,
O/o.Deputy Transport Commissioner,
RTO Office First Floor,
RTO Office, Tirunelveli.

5.The Regional Transport Officer,
O/o.Regional Transport Office,
Tiruchendur,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondents to consider the Petitioners representation dated 04.03.2016 and further direct to take action to install Closed Circuit TV (CCTV) at the 5th Respondent office to monitor day to day function and service of the said office.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.M.Govindan

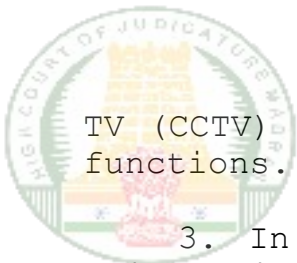
Spl. Govt. Pleader

O R D E R

[Order of the Court was made by **The Hon'ble Chief Justice**]

Heard the learned counsel for the petitioner and Mr.M.Govindan, learned Special Government Pleader for Respondents.

2. In this writ petition, the petitioner, who runs a driving school has sought orders on the respondents to consider his representation dated 04.03.2016 for installation of Closed Circuit



TV (CCTV) at the office of the 5th respondent to monitor day to-day functions.

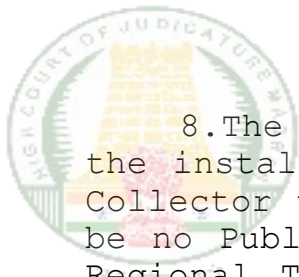
3. In support of his claim to installation of a CCTV at the said office, the petitioner has relied on the Tamil Nadu Urban Local Bodies (Installation of Closed Circuit Television Units in Public Buildings) Rules, 2012, framed in exercise of powers conferred by Section 347 of the Chennai City Municipal Corporation Act, 1919 r/w Section 303 of the Tamil Nadu District Municipalities Act, 1920 and several related Acts, and hereinafter referred to as the 2012 Rules. Rule (3) of the 2012 Rules provides that in every public building within the territorial area of an urban local body, Closed Circuit Television units shall be installed by the owner or occupier of that building in the manner specified in the said Rule.

4. The proviso to Rule (3) provides that in a building where public have an access or gather in large numbers and not covered under clause (d) of Rule 2 or in any other place where the public gather in large numbers for religious, social political or any other purpose, Closed Circuit Television units shall be installed by the owner or occupier of that building or place, **if required by the District Collector** on the recommendation of a police officer not below the rank of Deputy Superintendent of Police or Assistant Commissioner of Police or otherwise to do so, for the purpose of **crime control** or for maintaining public order and peace or for any other reasons, to be recorded in writing, within a reasonable time given by the District Collector.

5. Public building is defined in Rule 2(1)(d) to *inter alia* mean any building where public have an access for any purpose and used amongst others as office of the Central Government or any State Government or any local authority or any body corporate owned or controlled by the Central Government or any State Government, where more than 100 persons are employed or having a floor area of 500 square meter and above.

6. Learned Special Government Pleader submits on instructions that the floor area of the office in question is 467.96 square meter and there are only 19 employees working in the office. The office clearly does not come within the purview of public building within the meaning of Rule 2(d) of the Tamil Nadu Urban Local Bodies (Installation of Closed Circuit Television Units in Public Buildings) Rules, 2012.

7. The requirement to instal Closed Circuit Television Units in buildings which are not public building within the meaning of Ruble 2(d) of the 2012 Rules, is subject to a direction of the District Collector on the recommendation of a Police Officer of the rank specified in the proviso to Rule 3, for the purpose of crime control or maintaining public order and peace or for reasons to be recorded in writing.



8.The petition does not disclose any cogent reasons requiring the installation of CCTV and there is no directive of the District Collector to install a CCTV. Even otherwise, in our view, there can be no Public Interest in insistence on installation of CCTV in the Regional Transport Office. It is for the authorities concerned to decide whether installation of CCTV is either expedient or necessary.

9.This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Additional Principal Secretary,
Secretariat, Chennai-600 009.
2. The Transport Commissioner,
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RTO Office, Tirunelveli.
5. The Regional Transport Officer,
O/o.Regional Transport Office,
Tiruchendur,
Thoothukudi District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.68325

+1cc to Mr.M.JERIN MATHEW Advocate in SR. No.67432

AR/SSS

JS/GT/SAR.2/2.8.2017/3P-8C

W.P. (MD) No.6411 of 2016

25.07.2017