

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.38489 of 2004

P.Angamuthu

...Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Chennai-3.

2.The Zonal Officer,
Corporation of Chennai,
Zone V, Taylors Road,
Kilpauk,
Chennai-10.

3.V.K.Sakthikumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to dispose of the representation of the petitioner dated 16.4.2004.

For Petitioner : Mr.S.Vijayakumar

For Respondents-1&2 : Mr.V.C.Selvasekaran

For Respondent-3 : Mr.L.Rajasekar

O R D E R

The complaint was given by the writ petitioner to the Commissioner of Chennai Corporation on 16.4.2004, contending that the construction put up by the third respondent is not only unauthorised but also illegal. In view of the fact that no action had been taken by the Commissioner, Chennai Corporation, the writ petitioner was constrained to move the present writ petition.

2. This Court is of an opinion that the Commissioner, Chennai Corporation is bound to initiate appropriate action in respect of illegal and unauthorised construction of buildings.

In spite of the provisions of law, which is to be implemented in its letter and spirit, there is slackness in respect of initiation of action regarding the illegal and unauthorised constructions.

3. Chennai City is being converted as a "Concrete Jungle". There is no space to move around and greedy men are constructing buildings without even providing required space prescribed under the Building Rules. Corporation Officials are not only inactive but in collusion with all such greedy men for the purpose of their personal gains and unlawful enrichments. In spite of several orders by the Courts, including the Apex Court, the Corporation is not only silent, but remained as a mute spectator in respect of illegal and unauthorised constructions in the City.

4. When the Building Plan Permission is granted, the local Junior Engineer concerned as well as the Assistant Engineer and the Zonal Officers are very much aware of the progress of the constructions within their jurisdiction. However, those officials are not initiating action or at least not taking steps to warn and stop such builders or persons, who all are constructing the buildings, not to indulge in violation of the Building Plan Approval. Such a state of affairs is not only painful, but as an infringement of the constitutional rights of all other citizens at large.

5. Every citizen has got right to live peacefully. Right to live peacefully and right of privacy in his own buildings are the Fundamental Rights enshrined under the Constitution. However, the infringement of rights of all other citizens caused on account of the illegal constructions and unauthorised constructions are neither prevented effectively nor action is taken by the Corporation of Chennai.

6. The learned counsel for the respondent-Corporation made a submission that pursuant to the earlier orders of this Court, serious actions are taken by the Corporation of Chennai and they are in the process of implementing the directions issued by this Court. The Complaint Booths, the Vigilance Cell and CCTV cameras were also installed by the Corporation to identify all such illegalities and irregularities.

7. The steps taken by the Corporation is to be appreciated. However, stringent actions are certainly required. Taking note of the fact that the Corporation is in the process of implementation of the earlier orders of this Court and the learned counsel for the respondent-Corporation also states that the Corporation is making considerable improvement in respect of the actions to be initiated against all such irregularities and illegalities, this Court is of an opinion that the grievance of

the writ petitioner also is to be considered if it exists as of now.

8. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

Svn

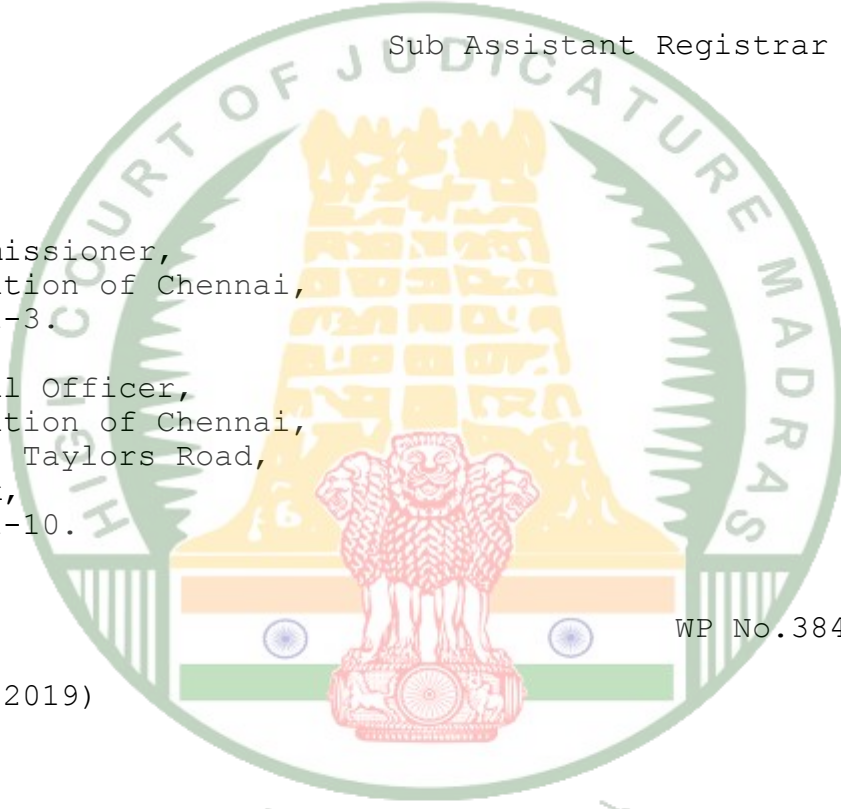
To

1.The Commissioner,
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Chennai-3.

2.The Zonal Officer,
Corporation of Chennai,
Zone V, Taylors Road,
Kilpauk,
Chennai-10.

KJI (CO)
GMY (10/01/2019)

WP No.38489 of 2004



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