

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.8596 of 2017
and
WMP.9414 and 9621 of 2017

M/s.Rani Arts and Crafts,
rep. by its Authorized Signatory,
F-8, 10th Street, Sector-1,
South Avenue Road,
Industrial Estate,
Ambattur, Chennai 600 058. ... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
2. The Zonal Officer,
Greater Chennai Corporation,
Ward 7, Ambattur,
Chennai 600 058.
3. M/s.Annai Infra Developers Private Limited,
SDS Enclave, Flat No.7,
4th Floor, Dr.Sathyamoorthy Hospital Opp. Road,
2/5, Perundurai Road, Erode - 11. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the Respondents to pay appropriate compensation to the Petitioner for the damage caused to the granite block Compound Wall of the Petitioner and paying the expenses for the Additional Security employed to safeguard the premises and also pay the cost incurred by the Petitioner for deployment of additional security to safeguard the premises by considering the representation of the Petitioner's Reminder dated 03.10.2016.

For Petitioner : Mr.Alagu Narayanan
for RRN Legal
For Respondents 1&2 : Mr.T.C.Gopalakrishnan
For 3rd Respondent : Mr.P.Gopiraja

O R D E R

The Petitioner has come up with this Writ Petition seeking a direction to the Respondents to pay appropriate compensation to him for the damages caused to the granite block Compound Wall of his premises and to pay the costs incurred by him for deployment of additional security to safeguard his premises, by considering his reminder dated 03.10.2016.

2. According to the Petitioner, it is a partnership firm involved in the manufacture and sale of wooden handicraft products. The 1st Respondent/Corporation of Chennai had engaged the 3rd Respondent Company to carry out the Storm Water Drain construction/widening work in the area surrounding the petitioner's property situated at F-8, 10th Street, Sector-1, South Avenue Road, Industrial Estate, Ambattur, Chennai 600058. On 23.09.2016, after business hours, the people engaged by the Respondent/Corporation continued to work along the granite block compound wall of the Petitioner's premises. Around 9.00 p.m., the Petitioner was informed that the granite block compound wall of his Factory had cracked and a big part of the South side wall had collapsed on the western and southern side of the premises.

3. In this regard, the Petitioner immediately sent a registered letter to the 1st Respondent among others on 24.09.2016 about the unprofessional and negligent work of the people engaged by the Respondent/Corporation and also demanded relief for the damage caused by the 3rd Respondent. On the contrary, the 3rd Respondent continued to carry out the work, due to which, on 29.09.2016, the damaged wall further gave way and collapsed in the South side leading to natural uprooting of six well grown Ashoka trees that were inside the granite block compound wall of the Petitioner's property. On 03.10.2016, the Petitioner sent a reminder to the Respondent/Corporation that he has not received any response to his earlier letter. On 19.10.2016, the Petitioner received a communication dated 17.10.2016 from the 2nd Respondent/Zonal Officer, Ambattur Region, Greater Chennai Corporation, wherein, it is stated that the Petitioner's file has been forwarded to the Corporation of Chennai for appropriate action to restore the wall.

4. The grievance of the Petitioner is that no action is taken by the Respondents to restore the compound wall in his property in question. Apart from damaging the compound wall, the 3rd Respondent finished executing the work around the Petitioner's unit in a haphazard manner leaving the high voltage

cable protruding out of the ground level in the entry point of the Petitioner's premises. According to the Petitioner, it would cost a sum of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only) to restore the Wall to its original condition. Hence, the present Writ Petition.

5. Mr.T.C.Gopalakrishnan, learned counsel appearing for the Respondent/Corporation submitted that the cable that is running in front of the compound wall of the Petitioner's premises has been rectified and that they are going to lay a road adjacent to the compound wall of the Petitioner's premises and at that time, they will ensure that all the cables run through the ground and that no part of the cable will be exposed to the sun.

6. In reply, learned counsel for the Petitioner submitted that even though the front portion has been rectified, the other portion of the compound wall has not been rectified.

7. While so, learned counsel appearing for the 3rd Respondent submitted that the workers engaged by them have not damaged the compound wall and that the damage had occurred on account of wear and tear.

8. This Court cannot go into the question of granting of compensation on account of the damages said to have been caused to the compound wall of the Petitioner's premises. However, it is needless to mention that the Petitioner cannot seek grant of compensation by way of a Writ Petition, as the Respondent/Corporation has agreed to lay underground cable before commencing laying of road adjacent to the Petitioner's premises and ensured that no part of the cable would be exposed to Sun. Hence, this Court is of the view that no further adjudication is required in this matter.

This Writ Petition stands disposed of with the above observation. No costs. Consequently, connected W.M.P.No.9414 and 9621 of 2017 are closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.

2. The Zonal Officer,
Greater Chennai Corporation,
Ward 7, Ambattur, Chennai 600 058.

+ 1 cc to Mr.P. Gopiraja, Advocate Sr.15275

+ 1 cc to Mr. RRN Legal, Advocate Sr.15118

+ 1 cc to MR. T.C.Gopalakrishnan, Advocate Sr.14615

W.P.No.8596 of 2017

LRS (CO)
EU(11/04/2018)



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