

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.2146 of 2018

V.G.Selvaraja

.. Petitioner

-vs-

1. Thiru P.Manohar

The Chief Electrical Inspector to Government
Thiru-Vi-Ka Industrial Estate
Guindy
Chennai 600 032

2. Thiru C.Karthikeyan

The Electrical Inspector (South Division)
Thiru-Vi-Ka Industrial Estate
Guindy
Chennai 600 032

.. Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the order of this Court dated 18.07.2018 made in W.P.No.16454 of 2018.

For Petitioner :: Mr.S.Kamadevan

For Respondents :: Mrs.P.Rajalakshmi
Additional Government Pleader
for R1 & 2
Mr.R.Natarajan, Administrator
of Chitra Avenue Flat Owners
Welfare Association

ORDER

Learned counsel for the petitioner submitted that the order passed by this Court on 18.7.2018 in the writ petition directing the respondents 1 & 2 to consider the application for grant of licence to operate the lifts in the apartment complex in question from First to Fourth Floors for which planning permission was already granted, within a period of three weeks, has been considered by the Chief Electrical Inspector to Government, Thiru-Vi-Ka Industrial Estate, Guindy, Chennai stating that the practice of issuing licence for operation of lift for the approved floors of the building having unapproved floors is not being followed by the respondent-Department, since unapproved floors of the building are being viewed seriously by the Court of law. The said communication addressed to the Administrator of Chitra Avenue Flat Owners Welfare Association shows that the CMDA also has given approval for Ground + 4 upper floors only and the Form-A application has been kept pending for want of some documents. In spite of the letter No.20180/D1/2018 dated 7.8.2018 issued by the Chief Electrical Inspector to Government, Thiru-Vi-Ka Industrial Estate, Guindy to the Administrator, the lift is being unauthorisedly used by the residents and the Administrator also is not taking any steps. Afraid of further casualties that could occur, the petitioner has been approaching the Administrator to stop

the usage of lift in the apartment complex. But the said request of the petitioner has not been considered.

2. However, Mr.R.Natarajan, learned Administrator of Chitra Avenue Flat Owners Welfare Association submitted that an application has been submitted to the Chief Electrical Inspector to Government, Thiru-Vi-Ka Industrial Estate, Guindy and to the Electrical Inspector (South Division), Thiru-Vi-Industrial Estate enclosing the copy of the approved building plan issued by the CMDA, as directed by the Electrical Inspector, to grant licence for operating the lift from Ground Floor to Fourth Floor. But the Chief Electrical Inspector to Government, has rejected the said request in his letter dated 7.8.2018 citing a reason that the CMDA approval was obtained only for Ground + 4 upper floors only, therefore, the practice of issuing licence for operation of lift for the unapproved floors cannot be entertained by the Department.

3. Mrs.P.Rajalakshmi, learned Additional Government Pleader for the respondents submitted that if the residents of Chitra Avenue Flat Owners Welfare Association are prepared to meet out the cost of plant and machinery for operation of the lift from Ground Floor to Fourth Floor, the respondents 1 & 2 will replace the present mechanism which is taking the lift to even the sixth/seventh upper floor(s).

4. The learned Administrator also, in reply, submitted that he will do the needful by providing suitable mechanism and machinery for operation of the lift from Ground Floor to Fourth Floor only and this can be replaced again after getting approval till sixth/seventh upper floor(s).

5. Having heard the parties, this Court is inclined to pass the following order:-

(i) The learned Administrator shall provide the new plant and machinery (mechanism) for operation of the lift from Ground Floor to Fourth Floor only.

(ii) The learned Administrator is further directed to prepare a drawing relating to the lift installation as specified in Rule 3(1) of the Tamil Nadu Lifts Rules, 1997 for operation of the lift from Ground Floor to Fourth Floor. The Administrator shall also comply with the conditions enumerated in Rule 4 of the Tamil Nadu Lifts Rules, 1997.

(iii) After being satisfied with the requirements, the first respondent shall consider the same and grant the licence to install the lift to be operated from Ground + Four Floors.

**** (iv) Needless to mention that the residents of Chitra Avenue Flat Owners Welfare Association are hereby directed not to use the lift till the mechanism is installed for operation of the lift from Ground Floor to Fourth Floor and the Administrator also is directed to ensure the non-operation of the lift till the licence to operate the lift is granted by the competent authority."**

6. With the above directions, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ss

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/30/11/2018