

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.1433 of 2018

G.Devarajan ... Petitioner

-vs-

1.The Special Officer/Principal
Secretary, Chief Minister's
Special Cell, Govt. of Tamilnadu,
Chennai-9.

2.The Chennai Collector,
Chennai District Collector Office,
Chennai-1.

3.The Principal Secretary/Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-3.

4.The Kolathur Constituency MLA,
Mr.M.K.Stalin, 37, Jawakar Nagar
Main Road, Chennai-82.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's representation in all seriousness, just and necessary in building renewal/streamlining/reconstruct the Chennai Corporation Community Centre at S.R.P.Koil Street (North), Near: Thiru.Vi.Ka.Nagar Bus Terminus so that it could be of immense help to the residents around area.

For Petitioner : Mr.G.Devarajan
Party-in-person

For Respondents : Mr.E.Manoharan
Addl.G.P. for RR 1 and 2
: Mr.V.C.Selvasekaran for R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

This writ petition by way of public interest litigation has been filed seeking orders on the respondent authorities to re-construction and/or to repair the Chennai Corporation Community Centre at S.R.P. Koil Street (North), near Thiru.Vi.Ka.Nagar Bus Terminus.

2. According to the petitioner, the Community Centre has been used by the people of the locality for many years for functions such as marriages. Materials necessary for small functions such as utensils have also been made available at the Community Centre free of cost. This has been of immense benefit to the lower and middle class people. The petitioner submits that there is no space available for holding functions. Few people can afford to rent private marriage halls and/or mandapams for their functions, as, such halls and/or mandapams charge exorbitant rent. It is stated in the petition that representations had been made to the M.L.A., Mr.M.K.Stalin, several times, but yielded no result.

3. A writ petition lies for enforcement of a constitutional right, a legal right or may be, even in certain exceptional circumstances, an equitable right. Traditionally, the Courts were approached by persons actually aggrieved. However, the emergence of public interest litigations has diluted the concept of locus standi. Any public spirited citizen can now approach the Court to draw the attention of the Court to prevalent illegality or to the breach of any right, be it a fundamental right or a constitutional right, a legal right or a basic human right. In all such cases, the Courts intervene irrespective of who has approached the Court. However, public interest litigation does not, in our view, enable the Writ Court to stretch it's hands out and encroach into the arena of executive and/or bureaucratic action. In a polity based on the principle of separation of powers, each Wing, be it the Judiciary, the Executive or the Legislature, has to confine itself to the limits of its powers and jurisdiction. It is reiterated that only if executive action or inaction results in contravention of any right, the Courts might interfere.

4. It is for the authorities to decide whether or not to run a Community Centre for holding functions. No citizen can claim any right to have such a Centre for holding functions. In our considered view, the intervention of the Writ Court is not warranted. However, the respondent authorities shall ensure that the condition of the building is not such as to cause a risk to passers-by and/or those who frequently use the building.

If the building is in such a dilapidated condition as to pose a risk, the building should either be strengthened or be demolished.

5.This order will not, however, prevent the people of the locality from making a representation to the respondent authorities and any representation made may be considered in accordance with law.

The writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Special Officer/Principal Secretary, Chief Minister's Special Cell, Govt. of Tamilnadu, Chennai-9.
- 2.The Collector, Chennai District Collector Office, Chennai-1.
- 3.The Principal Secretary/Commissioner, Greater Chennai Corporation, Ripon Building, Chennai-3.

+lcc to Mr.G.Devarajan, Advocate Sr.No.6144

+lcc to Government Pleader SR.No.6581

sm:19.2.2018

सत्यमेव जयते

W.P.No.1433 of 2018

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