

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM :

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.1809 of 2018

E.Palani

... Petitioner

Vs

1.The Principal Secretary
Rural Development and Panchayat Raj Department
Fort St. George
Chennai - 600 009.

2.The Principal Secretary
Housing and Urban Development Department
Fort St. George
Chennai - 600 009.

3.The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Thalamuthu Natarasan Maligai
Egmore, Chennai - 600 008.

4.The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.

5.The Deputy Commissioner,
Corporation of Chennai,
Zone-V, No.61, Basin Bridge Road,
Chennai-600 003.

6.The Zonal Officer,
Chennai Corporation,
Zone-IV, T.H.Road,
Old Washermanpet,
Chennai-600 021.

7.The executive Engineer,
Corporation of Chennai,
Zone IV, T.H.Road,
Old Washermenpet,
Chennai-600 021.

8.Soundar,
9.Lakshmi
10.Kasthuri

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the respondents, in particular the sixth and seventh respondents to take appropriate and fruitful action against the violated buildings by way of demolition of the building of 8th to 10th respondents situated at Old No.19, New No.43, Muniappa Mudali Street, Old Washermenpet, Chennai-600 021, respectively based on the petitioner's representation dated 02.08.2017.

For Petitioner : Mr.E.Palani
Party-in-person

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader
for respondents 1 and 2

Mr.V.C.Selvasekaran
Standing Counsel
for respondents 4 to 7

Mr.S.Thiruvengadam for R3
for respondents 8 to 10
no appearance

ORDER

(Order of the Court was made by DR.VINEET KOTHARI,J.)

The petitioner has preferred this writ petition, as a public interest litigation, under Article 226 of the Constitution of India with the following prayer:

"to issue a writ of mandamus directing the respondents, in particular the sixth and seventh respondents, to take appropriate and fruitful action against the violated buildings by way of demolition of the building of 8th to 10th respondents

situated at Old No.19, New No.43, Muniappa Mudali Street, Old Washermenpet, Chennai-600 021, respectively based on the petitioner's representation dated 02.08.2017."

2.The same petitioner was heard in a similar case, by this Court, in W.P.No.27451 of 2019, and this Court had passed an order disposing of the writ petition, on 17.09.2019. The said order is quoted below for ready reference:

"E.Palani, 56 years, son of A.Elumalai, a party in person appearing before the Court, has preferred this writ petition, as a public interest litigation, under Article 226 of the Constitution of India with the following prayer:

"to issue a writ of mandamus or direction, directing the respondents, in particular respondents 4 and 5, to submit the details as to how many buildings were constructed with additional floors contrary to law, starting from Ward Nos.34 to 48, from the year January 2000 to December 2018 along with the details of issuance or order for locking and sealing of the buildings in all the wards of Zone - IV of Chennai Corporation and also to submit a report as to in how many buildings (residential and commercial) were the Rain Water Harvesting is installed and also to constitute a committee consisting of officers from Greater Chennai Corporation and Chennai Metropolitan Development Authority (CMDA) to ascertain the facts by conducting field inspection and to submit a report."

2. The petitioner has arrayed as many as 33 respondents in the present writ petition and besides the authorities of the Government departments, Corporation of Chennai; Chennai Metropolitan Development Authority; Income Tax Department; Tamil Nadu Electricity Board; Tamil Nadu Fire and Rescue Services, and Chennai Water Supply and Sewerage Board have been arrayed as respondents. Two private parties, Mr.Pitty Parthasarathy and Mr.Ramakrishnadu, have also been arrayed as respondents.

3.The party in person addressed the Court in local Tamil language, which, one of us, C.Saravanan,J. understands. The petitioner has disclosed his identity as a Carpenter earning a sum of Rs.50,000/- per annum and is not an income-

tax assessee or a PAN Card holder. He seeks to espouse a public cause about the alleged illegal constructions in the city of Chennai.

4. Having heard the petitioner, appearing in person; the learned Government Pleader and other Standing Counsel, we are of the opinion that the prayers made by the petitioner in the present public interest litigation are of omnibus character and very wide. The Court cannot open a sort of enquiry in the present case at the instance of the petitioner.

5. In these circumstances, we feel that the petitioner should be relegated to the authorities concerned of the Chennai Metropolitan Development Authority and the Corporation of Chennai, who can hear the grievance of the petitioner and provide him a patient hearing and pass appropriate orders in response to his complaints made in the writ petition. Therefore, we direct the following:

(a) The petitioner is directed to present the copy of this writ petition with annexures to the Committee of two officers, namely (i) the Member Secretary of the Chennai Metropolitan Development Authority; and (ii) The Commissioner of the Corporation of Chennai.

(b) The Committee may notify a date to the petitioner, on which date the petitioner may appear before the said Committee of two officials with additional documents or evidence, besides the copy of the writ petition, which is already available with the learned counsel for the respondents, and the said authorities are directed to give him a patient hearing in the matter and pass appropriate orders.

(c) If some actions deserve to be taken at the instance of the petitioner, on the basis of the complaint made by him, the said Committee may direct their subordinate officers to take such action in the matter and apprise the petitioner in this regard and if no such action is required to be taken or deserves to be

taken for the reasons to be assigned by the Committee, appropriate orders in this regard may be passed by the said Committee and communicated to the petitioner.

(d)The process of this hearing and passing of orders and directions by the said Committee may be completed within a period of three months from today."

3.Since the petitioner had already been relegated to appear before the Committee concerned, no separate order is required to be passed in the present writ petition. The petitioner is at liberty to redress his grievance before the said Committee, if so advised. The present writ petition is disposed of in the same line as indicated above. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msk
To:

- 1 The Principal Secretary
Rural Development and Panchayat Raj Department
Fort St. George
Chennai - 600 009.
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Housing and Urban Development Department
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7.The executive Engineer,
Corporation of Chennai,
Zone IV, T.H.Road,
Old Washermenpet,
Chennai-600 021.

+1cc to Mr.E.Palani Party in Person Advocate Sr.80127
+1cc to Mr.S.Thiruvengadam, Advocate Sr.80431
+1cc to the Government Pleader Sr.80702
+1cc to Mr.N.Ramesh, Advocate Sr.80470
+1cc to Mr.M.A.Srinivasan, Advocate Sr.80434

W.P.No.1809 of 2018

pvs[col]
srg 31/10/2019



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