

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2019

CORAM :

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

W.P.No.27451 of 2019

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 Principal Secretary
Tax Revenue Department
Fort St. George
Chennai - 600 009.
- 4 The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Thalamuthu Natarasan Maligai
Egmore, Chennai - 600 008.
- 5 The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.
- 6 The Vigilance Director
Directorate of Vigilance and Anti-Corruption
No.293, MKN Road, Collectors Nagar
Alandur, Chennai - 600 016.
- 7 The Vigilance Director
Corporation of Chennai
Rippon Building
Chennai - 600 003.

- 8 The Commissioner of Police
E.V.K. Sampath Salai
Vepery, Chennai - 600 007.
- 9 The Income Tax Department
Income Tax Department
M.G. Road, Nungambakkam
Chennai - 600 034.
- 10 The Administrative Director
Tamil Nadu Electricity Board
No.144, Anna Salai
Chennai - 600 002.
- 11 The Director
Tamil Nadu Fire and Rescue Services
No.12, Rukmani Lakshmipathy Salai
Egmore, Chennai - 600 008.
- 12 The Administrative Director
Chennai Water Supply and Sewerage Board
No.1, Pumping Station Road
Chinthadripet, Chennai - 600 002.
- 13 The Deputy Commissioner
Corporation of Chennai Zone - V
No.61, Basin Bridge Road
Chennai.
- 14 The Zonal Officer
Chennai Corporation Zone - IV
T.H. Road, Old Washermenpet
Chennai - 600 021.
- 15 The Executive Engineer
Corporation of Chennai Zone - IV
T.H. Road, Old Washermenpet
Chennai - 600 021.
- 16 The Assistant Executive Engineer
Corporation of Chennai Zone - IV
T.H. Road, Old Washermenpet
Chennai - 600 021.
- 17 The Junior Engineer
Corporation of Chennai - Division - 34
No.12, Venkateswara Colony 6th Street
Kodungaiyur,
Chennai - 600 118.

- 18 The Junior Engineer
Corporation of Chennai - Division - 35
No.45/10, Krishnamoorthy Salai
Erukkencherry, Chennai - 600 118.
- 19 The Junior Engineer
Corporation of Chennai - Division - 36
Sharma Nagar 1st Main Road
Chennai.
- 20 The Junior Engineer
Corporation of Chennai - Division - 37
4th Cross Street, M.K.B. Nagar
Chennai - 600 039.
- 21 The Junior Engineer
Corporation of Chennai - Division - 38
Durga Devi Nagar, Tondiarpet
Chennai - 600 081.
- 22 The Junior Engineer
Corporation of Chennai - Division - 39
Sheriyan Nagar Main Road
New Washermenpet
Chennai - 600 081.
- 23 The Junior Engineer
Corporation of Chennai - Division - 40
No.1, Ammani Ammal 1st Thottam
Tondiarpet
Chennai - 600 081.
- 24 The Junior Engineer
Corporation of Chennai - Division - 41
KNS Depot, J.J.Nagar
Korrukupet, Chennai - 600 021.
- 25 The Junior Engineer
Corporation of Chennai - Division - 42
No.13, Rathinasabapaty Street
Tondiarpet
Chennai - 600 081.
- 26 The Junior Engineer
Corporation of Chennai - Division - 43
Adi Theravedar Street
Tondiarpet, Chennai - 600 081.

- 27 The Junior Engineer
Corporation of Chennai - Division - 44
Nattal Garden 2nd Street, Perambur
Chennai - 600 011.
- 28 The Junior Engineer
Corporation of Chennai - Division - 45
No.1, Dr. Ambedkar College Road
Ganesapuram, Vysarpadi
Chennai - 600 039.
- 29 The Junior Engineer
Corporation of Chennai - Division - 46
No.51, E.H. Road
Vysarpadi, Chennai - 600 039.
- 30 The Junior Engineer
Corporation of Chennai - Division - 47
K.N.S.Depot, Kthivakkam High Road
Korrukupet, Chennai - 600 021.
- 31 The Junior Engineer
Corporation of Chennai - Division - 48
No.96, Parthasarathy Street
Old Washermenpet
Chennai - 600 021.
- 32 Pitty Parthasarathy
- 33 Ramakrishnadu ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the respondents, in particular respondents 4 and 5, to submit the details as 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.

For Petitioner

: Mr.E.Palani
Party-in-person

For Respondents

: Mr.V.Jayaprakash Narayanan
Government Pleader
for respondents 1 to 3, 6, 8
and 11

Mr.V.C.Selvasekaran
Standing Counsel
for respondents 5, 7, 13 to
31

Mrs.Veena Suresh
Standing Counsel
for 4th respondent

ORDER

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

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.

With these observations, the writ petition is disposed of.
No costs. Consequently, W.M.P.Nos. 26919, 26920, 26925 and
26927 of 2019 are closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To:

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+1cc to Mr. E.Palani, Advocate, S.R.No. 80126

+1cc to Mr. P.Veena Suresh, Advocate, S.R.No. 79655

+1cc to the Government Pleader, S.R.No. 80174

W.P.No.27451 of 2019

MP (CO)
GN(30/09/2019)

सत्यमेव जयते

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