

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

WP.No.15587 OF 2020

M.Gnanavoli

.. Petitioner

Versus

1. The Principal Secretary
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai 600 008.
3. The Commissioner
Corporation of Chennai
Chennai 600 003.
4. The Executive Engineer
[Enforcement], Zone-13,
Corporation of Chennai
No.31, Thiruvengadam Street
Kasturiba Nagar, Chennai 600 020.
5. M/s.Rishabh Info Park Pvt Ltd.,
No.16-17, TVK Industrial Estate
Guindy, Chennai 600 032.

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents particularly the respondents 3 and 4 to take necessary action against the 5th respondent for violating the construction of the building at M/s.Info Park Pvt Ltd., No.16-17, TVK Industrial Estate, Guindy, Chennai 600 032, without following the rules and regulations as formulated by the respondents 1 and 4 on the basis of the petitioner's representations dated 14.02.2020, 24.02.2020 and 05.03.2020.

For Petitioner : Mr.R.Thanjan
For R1 : Ms.R.J.Radhika, GA
For R2 : Mr.S.Thiruvengadam
Standing counsel
For R3&R4 : Mr.R.Gopinath
Standing counsel

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Ms.R.J.Radhika, learned Government Advocate accepts notice on behalf of the 1st respondent ; Mr.S.Thiruvengadam, learned Standing counsel accepts notice on behalf of the 2nd respondent and Mr.R.Gopinath, learned Standing counsel accepts notice on behalf of the respondents 3 and 4.
- (3) Though the petitioner claims to be a social activist, no particulars, whatsoever have been furnished in the affidavit filed in support of this writ petition and the petitioner also claims to be a Clerk, working under an Advocate, whose name is also not furnished.
- (4) Be that as it may, it is the specific case of the petitioner that the 5th respondent, though obtained a Planning Permission, had raised additional floors unauthorisedly and repeated representations submitted in this regard, had failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (5) The learned counsel for the petitioner has drawn the attention of this Court to the Communication of the 1st respondent dated 27.02.2020, bearing Letter No.3119/Na.Va.1/2020 to the 2nd respondent and despite such a communication has been sent to the 2nd respondent who is the subordinate to the 1st respondent, has failed to take any kind of action and not even responded to the said communication and left with no other option only, the petitioner is constrained to approach this Court by filing the present writ petition.
- (6) The Court heard the submissions of Ms.R.J.Radhika, learned Government Advocate appearing on behalf of the 1st respondent ; Mr.S.Thiruvengadam, learned Standing counsel appearing on

behalf of the 2nd respondent and Mr.R.Gopinath, learned Standing counsel appearing on behalf of the respondents 3 and 4 and perused the materials placed before it.

(7) This Court is repeatedly coming across the alleged inaction on the part of respondents 2 to 4/their subordinate officials, in response to the representations submitted to them alleging unauthorised/deviated/illegal constructions and though it is obligatory on their part to consider and pass appropriate orders in the representations, either accepting it or rejecting it, they are not doing so and repeatedly, this Court is flooded with these kind of litigations by directing the concerned official respondent to take appropriate action.

(8) Respondents 2 to 4 are public authorities, exercising statutory powers and whenever any representations are submitted, alleging unauthorised / deviated / illegal constructions, they are bound to consider the representations and give a disposal in accordance with law at the earliest. But, they are repeatedly failing to do so. It is high time the 1st respondent as well as the concerned Administrative Heads shall put in the mechanism in place as to the monitoring of the activities of the respondents 2 and 3 with regard to the consideration and disposal of the representations submitted alleging unauthorised / deviated / illegal constructions.

(9) Though it is claimed by the Government that through E-Seva and People to Government Connect, the grievances would be addressed without any loss of time, in the considered opinion of the Court, it prima facie exists merely on paper without any strict implementation and it may be on account of lack of supervisory or monitoring mechanism.

(10) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petitions, directs the 2nd respondent to act on the communication of the 1st respondent dated 27.02.2020 bearing Letter No.3119/Na.Va.1/2020 and take appropriate action in accordance with law and by also adhering to the principles of natural justice and complete the said exercise within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent.

(11) The writ petition stands disposed of accordingly. No costs.

(12)Call on 07.01.2021 for filing of the Status Report by the 2nd respondent with supporting documents and photographs, if any.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Principal Secretary
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai 600 008.
3. The Commissioner
Corporation of Chennai
Chennai 600 003.
4. The Executive Engineer
[Enforcement], Zone-13,
Corporation of Chennai
No.31, Thiruvengadam Street
Kasturiba Nagar, Chennai 600 020.

+1cc to Mr.R.Thanjan, Advocate, S.R.No.35540

WP.No.15587 of 2020

MP (CO)
CS/10/11/2020

सत्यमेव जयते

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