



W.P.No.292 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.292 of 2012

Rajeswari

...Petitioner

Vs.

- 1.State of Tamilnadu rep by its,
Secretary to the Government,
Local Administration,
Fort St.George,
Chennai 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
- 3.The Vigilance Officer,
Vigilance Cell,
Chennai Corporation,
Rippon Buildings,
Chennai 600 003.
- 4.Sivakumar, AE,
Rain Water Harvesting Department,
Rippon Building, Chennai 600003.
- 5.Parthasarathy, JE,
Chennai Corporation,
Division – 6, Zone – 10,
Ward, 69, Raja Street,
Perambur, Chennai.
- 6.Subbiah, EE
Chennai Corporation,



W.P.No.292 of 2012

Division 15, Solinganallur.
(R4 to R6 – impleaded as per order
dated 14.09.2012 in M.P.No.1 of 2012
in W.P.No.292 of 2012)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to take action against the erring officials of the 2nd respondent in Zone IX as per the representation dated 04.06.2011 petitioner.

For Petitioner : Mr.Sivakumar
for Ms.Vedavalli Kumar

For Respondents : Mr.Veda Bagath Singh [for R1]
Special Government Pleader
Mr.Rahul for
Ms.P.T.Ramada [for R2 & R3]
Standing counsel

ORDER

Heard Mr.Sivakumar, learned counsel for the petitioner and Mr.Veda Bhagat Singh, learned Special Government Pleader for R1.

2. The petitioner seeks a mandamus directing the 3rd respondent/ Vigilance Officer, Vigilance Cell to take action against erring officials of the Corporation of Chennai in Zone -IX as per her representation dated 04.06.2011. According to the petitioner she had purchased the property at old No.11/2, New No.43, Reddy Kuppam Road, Saidapet, Chennai – 600 015 under a sale deed dated 03.02.1995.



W.P.No.292 of 2012

3. She had sought planning permission on 05.10.2009 for construction thereupon. During the pendency of her application, the petitioner appears to have commenced construction and a stop-work notice had come to be issued by the officials of the Chennai Corporation.

4. Litigation came to be initiated qua the petitioner and the respondents as per the writ affidavit. However, the fate of the litigation is unknown as neither party is in a position to appraise me in this regard. The entirety of the writ affidavit proceeds on the basis of various allegations levelled as against the officials of Zone – IX of Chennai Corporation.

5. This has ultimately concluded in a representation made by the petitioner before the Vigilance Officer, Vigilance Cell, Chennai, who is arrayed as R3. This representation dated 04.06.2011, is what the petitioner seeks disposal of, wherein she requests action to be taken as against R2.

6. A counter has been filed by R1/the Commissioner, Chennai Corporation, which controverts the narration of facts as set out in the affidavit. It is also the stand of R2 that enquiry was conducted by the Vigilance Officer on 30.05.2011 and 31.05.2011 and the counter refers to various communications that were sent to the petitioner to facilitate the said enquiry.



W.P.No.292 of 2012

7. According to R2, the petitioner did not appear in response to the communications. While the counter does not specifically make reference to the complaint of the petitioner dated 04.06.2011, at paragraph 15, reference is made to an inspection of the site stated to have been conducted on 06.06.2011. The report is adverse to the petitioner and there are observations to the effect that the petitioner had encroached upon the land belonging to the Chennai Corporation.

8. There is no acknowledgment per se that is available for issuance of the complaint dated 04.06.2011 and, we are today in 2022.

9. Undoubtedly, much water has flown under the bridge in the interim period. In light of there being scant assistance in the matter from the side of the petitioner, this Writ Petition stands disposed granting liberty to the petitioner to make a fresh representation to the officials of the Chennai Corporation, if her grievances continues. No costs.

mpl

14.12.2022

Index : Yes/No

Speaking Order/Non speaking Order



W.P.No.292 of 2012

To
WEB COPY

- 1.The Secretary to the Government,
State of Tamilnadu,
Local Administration,
Fort St.George,
Chennai 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
- 3.The Vigilance Officer,
Vigilance Cell,
Chennai Corporation,
Rippon Buildings,
Chennai 600 003.



WEB COPY



W.P.No.292 of 2012

DR.ANITA SUMANTH,J.
mpl

W.P.No.292 of 2012

14.12.2022