



WEB COPY



W.P.No.7098 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7098 of 2019
and W.M.P.No.7815 of 2019

Chennai Corporation Sanitary Inspectors Welfare Association,
Regn. No.281/2006,
Rep. by its Secretary Mr.R.Vigneswaran,
3/407, Sri Kumaraguru Avenue,
5th Cross St, Neelankarai,
Chennai – 600 115.

...Petitioner

Vs.

- 1.The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai – 9.
- 2.The Commissioner/Special Officer,
Greater Chennai Corporation,
Ripon Building, Chennai – 3.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to
issue a writ of Mandamus, directing the respondents to consider the petitioners
representation dated 22.05.2017 and take appropriate steps to enact By-laws



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u/s 349(13) of the Chennai City Municipal Corporation Act, 1919 to enable the Health department to grant License for the purpose mentioned in the Schedule VI of the said Act within the time prescribed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.R.L.Karthika
Government Advocate for R1

Mrs.Aswini Devi
Standing Counsel for for R2

ORDER

The petitioner is a Chennai Corporation Sanitary Inspectors Welfare Association. The grievances of the Association is that their members, who all are serving as Sanitary Inspectors, are unable to initiate appropriate actions whenever they receive a complaint from the public for initiation of action against the violators. In this regard, the petitioner Association submitted a representation on 22.05.2017, to the respondents and no action has been taken to amend the relevant by-laws enabling the members of the petitioner Association to initiate action against the violators.

2.The learned counsel for the respondents made a submission that as of



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now the actions against certain violators initiated with the coordination of Health and Revenue Department of the Chennai Corporation. It is a coordinated action which has to be initiated under the provisions of the Rules and there is no separate power conferred on the Sanitary Inspectors in the Corporation.

3.The very grievances raised by the petitioner Association are relating to conferment of powers which is administrative in nature. Regarding the delegation of power or grant of power it is an administrative decision to be taken by the competent authorities in the interest of public. However, the relief sought for is beyond the scope of the power of judicial review under Article 226 of the Constitution of India. High Court cannot interfere with the administration of the Government departments, more specifically, in the matter of conferment of powers to the authorities working in various cadres. Since the very nature of grievance relates to the administrative affairs of the Corporation, this Court is not inclined to consider the relief.



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S.M.SUBRAMANIAM, J.

SSR

4. Accordingly, this writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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