



WEB COPY



W.P.No.2639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2639 of 2023 and
W.M.P.No.2709 of 2023

M/s.VLUK Engineering
having office at No.43/A2
Jandrawar Street, Kaladipet
Tiruvottiyur, Chennai – 600 019.
Rep. by its Partner
A.Umasankar

..

Petitioner

VS

1. The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai – 600 003.
2. The Deputy Commissioner (Works)
Greater Chennai Corporation
Ripon Building, Chennai – 600 003.
3. The Regional Deputy Commissioner (North)
Greater Chennai Corporation
No.62, Basin Bridge Road
Old Washermenpet
Chennai – 600 021.
4. S.Devendiran
Superintending Engineer (North)
Greater Chennai Corporation
No.62, Basin Bridge Road
Old Washermenpet
Chennai – 600 021.

5. N.Sankaran

<https://www.mhc.tn.gov.in/judis>



W.P.No.2639 of 2023

Zonal Officer, Zone-1
Greater Chennai Corporation
No.945, Tiruvottiyur Corporation
No.945, Tiruvottiyur High Road
Chennai – 600 019.

6. P.Paul Thangadurai
Executive Engineer
Greater Chennai Corporation
Storm Water Drain Department
4th Floor, Amma Maaligai
Ripon Building, Chennai – 600 003.

7. A.S.Nakkiran
Assistant Executive Engineer (Unit-04)
Greater Chennai Corporation
Zone-2, Manali
Chennai – 600 068.

8. D.Hemakumar
Junior Engineer (Division-02)
Zone-01, Greater Chennai Corporation
No.945, Tiruvottiyur High Road
Chennai – 600 019.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to conduct enquiry on the basis of the representation dated 23.01.2023 which has been preferred seeking payment of Rs.6,00,000/- to the petitioner which expenditure was incurred for planting tree saplings to develop mini forest (Miyawaki method) in OSR land (KTV Oil Mill backside) in Tiruvottiyur, Chennai as per the direction of the fourth and eight respondents.

For Petitioner : Mr.K.Raja
For Respondents : Ms.P.T.Ramadevi
Standing Counsel



W.P.No.2639 of 2023

ORDER

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The writ of mandamus has been filed to direct the first respondent to conduct an enquiry based on the representation submitted by the writ petitioner on 23.01.2023, wherein, the petitioner has requested the Chennai Corporation to pay a sum of Rs.6 lakhs, the expenditure incurred by him for planting tree saplings to develop mini forest (Miyawaki method) in OSR land.

2. The learned counsel appearing for the petitioner states that in the tender notification, it has been stated to plant one tree and the authorities, after sometime, orally directed the petitioner to plant 1500 trees in the mini forest, which was developed. The petitioner in compliance with the oral directions issued by the respondents 4 to 8, spent Rs.6 lakhs for planting 1500 trees in the developed mini forest. When the petitioner submitted the bill seeking refund of the sum of Rs.6 lakhs, the authorities declined to consider, on the ground that they have not issued any such oral directions to the petitioner.

3. The learned counsel appearing for the petitioner states that he is having the telephonic conversation and the instructions issued by the



authorities to plant 1500 trees in the mini forest, which was developed by the petitioner. The petitioner states that he has got other records to establish that the Corporation has not received any such trees from the donor and the details regarding the donors were also not produced to him.

4. In view of the fact that the petitioner raises several doubts in the matter of plantation of tree saplings in the developed mini forest, this Court is of the considered opinion that an enquiry is warranted in the present case. The Commissioner has to conduct a detailed enquiry by collecting all the facts and by looking into the forest and thereafter, take a decision on merits and in accordance with law.

5. In this regard, the Commissioner shall issue notice to the respondents 4 to 8 herein and also to the petitioner and if necessary, to other connected persons who are involved in the development of mini forest in that locality and thereafter, conduct an enquiry by affording opportunity to all the parties and pass appropriate orders on merits and in accordance with law. The said exercise is directed to be done within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.No.2639 of 2023

6. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

05.04.2023

Index : Yes/No

Neutral Citation : Yes/No

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Greater Chennai Corporation
Storm Water Drain Department
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S.M. SUBRAMANIAM, J.

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