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W.P.No.22120 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.22120 of 2012
and M.P.No.1 of 2012

C.Ganesan

...Petitioner

-Vs-

1.The Commissioner,
Chennai City Municipal Corporation,
Chennai – 600 003.

2.The City Engineer,
Chennai City Municipal Corporation,
Chennai – 600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus calling for the records relating to the impugned orders of the City Engineer, Chennai Corporation issued in W.D.C.No.2151 of 2012 dated 04.06.2012 and quash the same and direct the Commissioner, Chennai Corporation, to renew the license of the petitioner for the period 2012-2013 and to pass such further orders.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.S.Gopinathan
Senior Counsel



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ORDER

This writ petition is filed for issuance of a Certiorarified Mandamus to quash the impugned orders of the City Engineer, Chennai Corporation, issued in W.D.C.No.2151 of 2012 dated 04.06.2012 and direct the Commissioner, Chennai Corporation, to renew the license of the petitioner for the period 2012-2013.

2. Learned counsel for the petitioner submitted that the matter is relating to the renewal of Surveyor License for the period 2012-2013. The petitioner was appointed as Licensed Surveyor in Alandur Municipality. In respect of Alandur Municipality, the Licensed Surveyor is classified as Grade-2 with the Draughtsman qualification. However, the petitioner was granted exemption from the said technical qualification for his appointment vide G.O.R.T.No.1650/RD&LA Department dated 29.08.1978. Subsequently, the Alandur Municipality was merged with the Chennai Corporation on 26.10.2011.

3. Learned counsel for the petitioner submitted that when the petitioner applied for renewal of Surveyor License, the respondents



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Corporation had rejected it by referring resolution No.877/87 dated 12.08.1987. Accordingly, the qualification are prescribed as stated

hereunder:

“Only one person qualifying the following technical qualification are permitted to register as Licensed Surveyor prescribed under the below mentioned qualifications and eligibility.

For CLASS-I

- 1. Holders of Degree in Engineering subjects, Civil Branch with 5 years of experiences.*
- 2. Bachelor Degree in Technology (Civil) with 5 years of experiences.*
- 3. Bachelor Degree in Highway Engineering with 5 years of experience.*

II) A.M.I.E and A.M.I.S.E with 5 years of experience.

III) B.Arch and G.D. Architecture with 5 years of experience.

IV) Upper subordinate Engineers, L.C.E.D.C.E. candidates who have hold the post of Assistant Executive Engineer or who have put in 25 years of service in local Bodies or in Government service.

I) Upper subordinate Engineer, D.C.E. Candidates with 5 years of experience.

II) Candidates who have passed the certificate examination in all the following subjects and having 5 years of experience in building activities.

Subjects

- 1. Building Drawing and Estimating*
- 2. Applied Mechanics*
- 3. Building Materials and constructions*
- 4. Earthwork and road making*
- 5. Mensuration*
- 6. Hydraulics and irrigation*
- 7. Surveying and leveling*



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8. *Practical plan and solid Geometry*
9. *Hydraulics and sanitary Engineering*
10. *Geometrical Drawing*

III) Draughtsman who worked in the Corporation of Madras not less than 20 years.”

4. The petitioner was in possession of the license till the year 2010. For the year 2011 and 2012, he paid the required fees for the renewal of his license, but the same was not granted to the petitioner. The Competent Authority to grant exemption is the Government, as it was done in the case of the petitioner earlier, who was a Licensed Surveyor of the Alandur Municipality.

5. In view of the above submission, the petitioner is directed to give a representation to the Secretary, Department of Municipal Administration and Water Supply, Chennai, within a period of two weeks from the date of receipt of a copy of the order and on receipt of the same he shall consider it on merits, in accordance with law and pass appropriate orders within a period of six weeks.



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In the result, the writ petition stands **disposed of with the above direction**. No costs. Consequently, connected miscellaneous petition is closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

1.The Commissioner,
Chennai City Municipal Corporation,
Chennai – 600 003.

2.The City Engineer,
Chennai City Municipal Corporation,
Chennai – 600 003.



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J.SATHYA NARAYANA PRASAD, J.

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