



WP No.12232 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Vijay Gopal

.. Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by Chief Secretary,
Government of Tamil Nadu,
Chennai 600 009.
2. The Greater Chennai Corporation,
Tamil Nadu Municipality Department,
Rep. by its Special Officer and Commissioner,
Ripon Building, Chennai 600 003.
3. The State of Tamil Nadu,
Rep. by Secretary to the Government,
Municipal Administration and Water Supply
Department, Secretariat Building,
Fort St. George, Chennai 600 004.
4. Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai, 600 004.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus (a) directing the 1-4 respondents to consider the representation dated 21.04.2021 and to take appropriate stringent action against TN Govt (Municipality Dept.) to take effective immediate steps to curb this illegal "Parking Charges Collection" at all commercial establishments in Tamil Nadu; (b) directing the TN Govt (Municipality Department) to issue order to confirm the penal provisions and the grievance cell / helpline number where citizens can report collection of parking charges at commercial establishments and the timelines for closure of complaints; (c) directing the TN Govt (Municipality Department) to issue orders to DGP of Police that lying and taking money from citizen amounts to violation of Section 420 of IPC (wrongful or dishonest inducement of delivery of property) (money is defined as property under Transfer of Property Act, 1882); and (d) to declare collection of parking by commercial establishments/malls/multiplexes in Tamil Nadu as illegal and direct respondents to take measures immediately to curb this menace.

For the Petitioner : Mr.T.R.Prabakaran
For the Respondents : Mr.C.Kathiravan
Special Government Pleader,
for RR 1, 3 and 4
: Mr.A.Arun Babu for R-2

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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.T.R.Prabakaran, learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that in commercial establishments, the builders/establishment owners have certain floors as per the building rules. The building rules mandate pre-determined percentage of parking space to be made available to the visitors. For the parking floor, the tax is not paid. However, huge amount is collected towards the parking charges.

3. The learned counsel relies upon the order passed by the learned Single Judge of this Court in W.P.No.33181 of 2017 dated 12.08.2022 and submits that even after 1 ½ years, the steps are not taken by the Government to refix the parking charges.

4. We have heard Mr.C.Kathiravan, learned Special Government Pleader, for respondent Nos.1, 3 and 4 and Mr.A.Arun Babu, learned counsel for respondent No.2.



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5. The judgment relied on by the learned counsel for the petitioner in W.P.No.33181 of 2017 dated 12.08.2022 is in respect of parking spaces controlled by the Corporation/revenue authorities.

6. In the present matter, the grievance of the petitioner is with regard to the parking spaces in the commercial establishments. The respondents do not have any role to play in the same.

7. If the petitioner can come across some executive instructions or any policy decision or any statute with regard to the charges for the parking spaces in the private commercial establishments, then the petitioner may agitate in respect of the same.

With this observation, the writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

08.02.2024

Index : Yes/No

Neutral Citation : Yes/No

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1. The Chief Secretary to Govt.,
Government of Tamil Nadu,
Chennai 600 009.
2. The Special Officer and Commissioner,
Greater Chennai Corporation,
Tamil Nadu Municipality Department,
Ripon Building, Chennai 600 003.
3. The Secretary to the Government of Tamil Nadu,
Municipal Administration and Water Supply
Department, Secretariat Building,
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4. The Director General of Police,
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