

In the High Court of Judicature at Madras

Dated: 28.02.2007

Coram:

The Honourable Mr. Justice P. SATHASIVAM
and
The Honourable Mr. Justice N. PAUL VASANTHAKUMAR

Writ Petition No.4247 of 2007

Dr. Rabinder Boaz ..Petitioner

...vs..

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2.The Commissioner of Police
Greater Chennai
Egmore, Chennai 600 008.

3.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai.

..Respondents

Writ petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of Mandamus as stated therein.

For Petitioner : Mr. Jeevagiridharan
for Mr. P.S. Kothandaraman

For Respondents : Mr. T. Mathi for R.1
Mr. K. Elango
Spl. Govt., Pleader for R.2

ORDER

(Order of the Court was made by P. SATHASIVAM, J.)

The prayer in the writ petition is as follows:

" to issue a Writ of Mandamus directing the respondents to consider and take necessary action on the petitioner's representation dated 10.10.2006, seeking to remove the illegal and unauthorised encroachment and construction situated on the pavement, in front of and abutting the petitioner's property at No.19/9, 3rd Trust

Cross, Mandavelipakkam, Chennai 28, and to remove the illegal electricity connection given to the said unauthorised structure and to restrain the police from using the said illegal and unauthorised encroachment and structure as the Police Out Post."

2. In the affidavit filed in support of the above writ petition it is stated by the petitioner that he is the owner of the house property situated at New No.19, Old No.9, 3rd Trust Cross Street, Mandavelipakkam, Chennai-28. When he was away from Chennai, in the 2nd week of August, 2006, a concrete structure was constructed by encroaching the pavement in front of and abutting his property behest of a local trust for use of the police as an out post. Electricity connection was also given to the said out post. Further, the petitioner has also narrated his objections for removal of the out post. On 26.08.2006, he sent petitions by registered post to the Home Secretary, Director General of Police and the Commissioner of Police, requesting them to take action for removal of the said illegal construction. Since there was no action or reply, having no other remedy, filed the present writ petition for appropriate direction.

3. Pursuant to the direction of this Court, the second respondent, viz., Commissioner of Police, Greater Chennai, has filed a counter affidavit highlighting their stand. The following information in the counter affidavit dated 20.02.2007 are relevant, which reads thus.

" 5. In order to have an effective control over the Law and Order problem in the City of Chennai; the second respondent has decided to put up police booths in the important residential area, market place and near slum areas. This concept is to serve the people at their door steps. Apart from 119 total number of police stations, we have 360 numbers of police booths in Chennai to facilitate the local residents in all respect apart from monitoring the law and order problem. The booths are manned by the police official round the clock. One of such booth was located at the junction of 3rd Trust Cross, Mandavelipakkam, Chennai 600 028. It is a three way junction. The reason for locating the booth at this place is that it is a residential area where the policemen can monitor the movement of vehicles entering into Mandavelipakkam and Chinnakarakuttai areas. The Chinnakarakuttai is 100 feet away from this place where nearly 25000 residents covering middle class, lower middle class and slum people.

6. I further submit that a local association by name Sri Vazhai Amarndha Amman Aalayam, by its letter dated 17.08.2006 requested the Inspector of Police, Law

and Order, E5 Police Station, Pattinapakkam for putting up a police booth in this area in order to check various law and order problem and crime such as eve-teasing, chain snatching, robbery etc. Upon considering the same the said police officer by letter dated 11.08.2006 informed the Assistant Commissioner, Zone X, Chennai Corporation about the request of the local residents and sought permission to put up the police booth at 3rd Trust Cross, Mandavelipakkam, Chennai 600 028. In the second week of August, 2006 a booth measuring 12' x 5 1/2' was constructed in the place in question by the said association from the contribution from public. After putting up the said booth, the crime rate in the said area has come down."

4. Apart from the above information, it is also stated that the place in question is a street margin where there are very less vehicular traffic and the pavement is not used by the pedestrians. According to the Commissioner, it is an unobjectionable place and almost all the local residents welcome the initiative action in putting up the police booth in the place in question. It is also highlighted that it is common practice in all the metropolitan cities locating police booths in strategic places as well as in the crime prone areas and such installation of police booths cannot be construed as encroachment in public place.

5. On going through the information furnished by the second respondent, Commissioner of Police, Greater Chennai and also of the fact that the local residents association by name Sri Vazhai Amarndha Amman Aalayam, by its letter dated 17.08.2006 requested the Inspector of Police, Law and Order, E.5 Police Station, Pattinapakkam for putting up a police booth in the area in question in order to check various law and order problem and crimes such as eve-teasing, chain snatching, robbery etc. we are unable to accept the claim made by the petitioner. We are also of the view that the location of police booth in the place in question cannot be construed as an encroachment by the Police Department. Admittedly, the land belongs to the first respondent, Corporation of Chennai. We accept the explanation offered by the Commissioner of Police and we are satisfied that there is no merit in the claim made by the petitioner. Consequently, the writ petition fails and the same is dismissed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2.The Commissioner of Police
Greater Chennai
Egmore, Chennai 600 008.

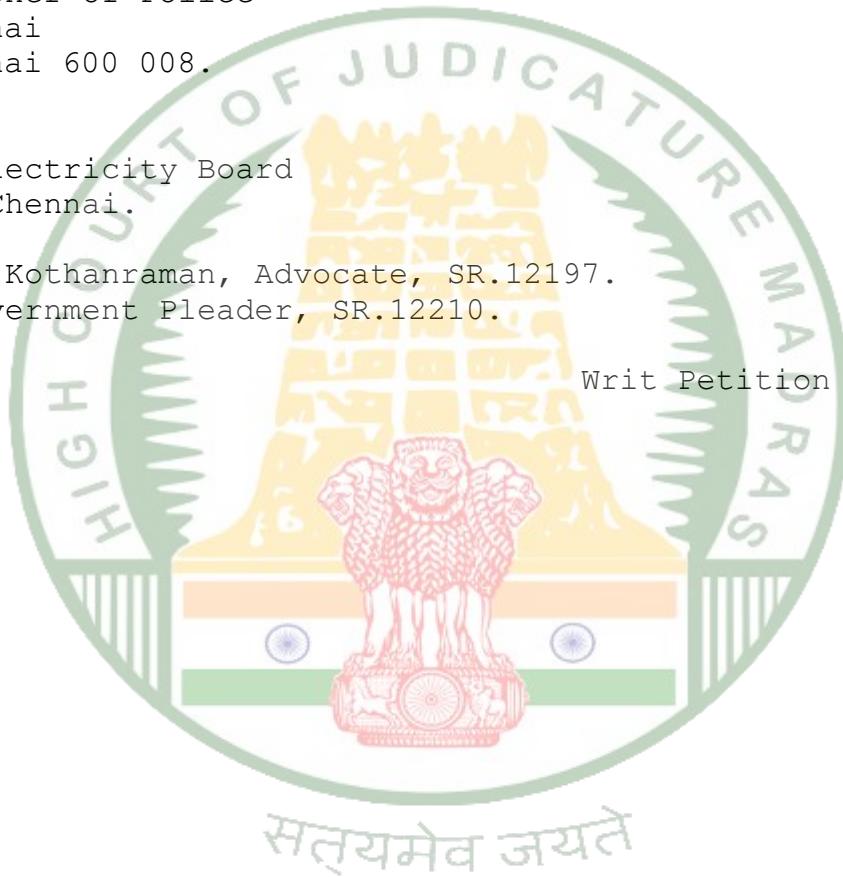
3.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai.

1 cc To Mr.P.S.Kothanraman, Advocate, SR.12197.

1 cc To The Government Pleader, SR.12210.

Writ Petition No.4247/07

MDR(CO)
RVL 13.03.2007



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