



## தமிழ்நாடு உள்ளாட்சி அமைப்புகள் முறைமன்ற நடுவம்

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தமிழ்நாடு உள்ளாட்சி அமைப்புகள் முறைமன்ற நடுவம்

ஆணை எண் : 032/மா/2020

நாள் : 19.4.2022

திரு. I.H.சேகர்,  
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- முறையீட்டு மனுதாரர்

1. ஆணையர்,பெருநகர சென்னை மாநகராட்சி,  
ரிப்பன் மாளிகை, சென்னை-600 003.
2. வட்டார துணை ஆணையர் (தெற்கு),  
பெருநகர சென்னை மாநகராட்சி,  
எண்.115, Dr.முத்துலட்சுமி சாலை,  
அடையார், சென்னை - 600 020.
3. மண்டல அலுவலர்,மண்டலம் -15,  
பெருநகர சென்னை மாநகராட்சி,  
120, இராஜீவ் காந்தி சாலை, சோழிங்கநல்லூர், சென்னை 600 119.
4. செயற் பொறியாளர், மண்டலம்-15,  
பெருநகர சென்னை மாநகராட்சி,  
120, இராஜீவ் காந்தி சாலை, சோழிங்கநல்லூர், சென்னை 600 119.
5. உதவி செயற் பொறியாளர், மண்டலம்-15,  
பெருநகர சென்னை மாநகராட்சி,  
120, இராஜீவ் காந்தி சாலை, சோழிங்கநல்லூர், சென்னை 600 119.
6. உதவி பொறியாளர்,மண்டலம்-15,  
பெருநகர சென்னை மாநகராட்சி,  
120, இராஜீவ் காந்தி சாலை, சோழிங்கநல்லூர், சென்னை 600 119.

- எதிர்மனுதாரர்கள்

சென்னை, ஈஞ்சம்பாக்கம், டாக்டர் நஞ்சுண்டராவ் சாலை, எண்.20 என்ற எண்ணிட்ட முகவரியில் வசிக்கும் திரு. I.H. சேகர் என்பவரின் 20.02.2020 நாளிட்ட மனு இம்முறைமன்ற நடுவத்தில் 20.02.2020ல் பெறப்பட்டு, 32/மா/2020 என்ற எண்ணிட்ட முறையீட்டு மனுவாகப்

பதிவு செய்யப்பட்டது. மனுதாரரின் முறையீட்டு மனு பரிசீலிக்கப்பட்டு கீழ்க்காணும் ஆணை வெளியிடப்படுகிறது.

### ஆணை

சென்னை, ஈஞ்சம்பாக்கம், டாக்டர் நஞ்சுண்டராவ் சாலை, எண்.20, என்ற எண்ணிட்ட முகவரியில் வசிக்கும் திரு. I.H. சேகர் என்பவர் தன்னுடைய 20.02.2020 நாளிட்ட புகார் மனுவில் கீழ்க்கண்டவாறு தெரிவித்துள்ளார் :

" The complainant is a human rights and RTI activist and has filed numerous public interest litigations before the Hon'ble Madras High Court and the Southern Zone Bench of the National Green Tribunal, Chennai, exposing several illegalities in the society, including environmental and pollution related violations. The complainant has been involved in this kind of social service activities for more than three decades. This complainant has also lodged several complaints relating to corruption by public servants before the State Vigilance Commissioner and with the Director, Directorate of Vigilance & Anti-Corruption.

The complainant has filed the above complaint before this Hon'ble Ombudsman to suitably direct the Respondents (1) The Commissioner, Greater Chennai Corporation, Chennai and (2) The Regional Deputy Commissioner (South), Greater Chennai Corporation, Adyar, Chennai to initiate appropriate departmental action against respondents (3) The Zonal Officer, Zone XV, Sholinganallur, Chennai (4) The Executive Engineer, Zone XV, Sholinganallur, Chennai (5) The Assistant Executive Engineer, Zone XV, Sholinganallur, Chennai (6) The Assistant Engineer, Zone XV, Injambakkam, Chennai, for allowing illegal construction of 8 additional rooms, without obtaining any building plan sanction from the civic body, by one Alagappan at a site located at 5-157, Adithya Avenue, Gowri Amman Koil Street, Injambakkam, Chennai – 600 115 and for their consequential action of refusing to stop the illegal construction despite this complainant lodging seven complaints on the following dates 23.1.2020, 26.1.2020, 27.1.2020, 29.1.2020, 30.1.2020, 3.2.2020, and 11.2.2020. The respondents 3 to 6 colluded with the wrongdoer Alagappan and allowed him to construct additional 8 rooms with an extra Kitchen, knowing fully well that his acts are illegal. Their consequent refusal to intervene despite acknowledging seven complaints lodged by this complainant through email and their consequent refusal to even issue a STOP WORK NOTICE and LOCK & SEAL/DEMOLITION NOTICE despite being duty bound to do so, are being brought to the notice of this Hon'ble Ombudsman through the above complaint.

The facts and circumstances leading to the above complaint being lodged against the respondents 3 to 6 before the Hon'ble Ombudsman are narrated in the succeeding paras.

The complainant states that sometime around the last week of November or first week of December, 2019, one Alagappan embarked on a mission to illegally and unauthorizedly construct four additional rooms to a house located at Door No.5/157, Adithya Avenue, Gowri Amman Koil Street, Injambakkam, Chennai – 115. The said property roughly measures around 1.5 grounds. It appears that there was a structure

in that place and the said Alagappan started demolishing a major portion of that building by altering its structure considerably and started adding new rooms, both on the front and rear side at the ground and first floor. The highlighting factor in this illegal construction activity is that the respondents 1 to 6 have not sanctioned or granted any plan approval either for demolition or fresh construction or modification of the existing plan for the aforesaid house.

The complainant submits that the aforesaid site was never occupied by any person or family for more than 10 years. In short, though Alagappan may claim himself to be the owner of that site, he and his family reside elsewhere.

The complainant states that soon after the said Alagappan started his illegal construction activities at the aforesaid site, he wanted to make sure that the civic body has not sanctioned any building plan approval either for demolition or for fresh construction of four additional rooms to the existing structure. Therefore, the complainant visited the office of the third and sixth respondent and enquired about the status of the demolition and construction activities taking place at the site. To this query, both the third and sixth respondents candidly admitted that the civic body has not granted any approval either for demolition or fresh construction of additional four rooms to the existing structure. When this complainant further enquired with the 3<sup>rd</sup> and 6<sup>th</sup> respondent as to why they have permitted the said Alagappan to store all building construction materials like M sand, River sand, TMT bars, Blue metal stones and Bricks in the public road Adithya Avenue, both the officials claimed that they have permitted him to use the public road for storing the aforesaid items as they have not received any complaint further enquired with the 3<sup>rd</sup> and 6<sup>th</sup> complainant as to why they have permitted Alagappan to dump all demolition waste and debris on the public road Adithya Avenue. For the said query, both the officials claimed that they have not received any complaint from the general public in this regard and hence they have not intervened to remove the demolition waste dumped on the public road.

Since the response of the 3<sup>rd</sup> and 6<sup>th</sup> respondents were reckless and was very obvious that they are hand in glove with Alagappan, this complainant caused a complaint dated 23.01.2020 from his email ID – [naturetrust2009@gmail.com](mailto:naturetrust2009@gmail.com) to the official email IDs of the first, second and third respondents, as described in the official website of the Greater Chennai Corporation.

In the first complaint dated 23.01.2020 specifically addressed to the first and second respondents, this complainant had clearly stated that as per his assessment, two rooms were being constructed illegally on the ground floor, one at the front and the other at the back. Like wise, two rooms were being constructed illegally on the first floor, one at the front and the other at the back side of the house.

In the first complaint dated 23.01.2020, the complainant had clearly stated that the third and sixth respondents are expected to intervene and stop the illegal construction by issuing a STOP WORK NOTICE until the owner of the said house furnishes a building plan duly sanctioned by the Civic body. The first and second respondents were informed through his first complaint dated 23.01.2020 that the third

and sixth respondents colluded with the owner of the house Alagappan and allowed him to proceed further with the construction of four additional rooms after receiving such bribe monies.

The complainant had further stated in his first complaint dated 23.01.2020 that, emboldened by the illegal cooperation extended by the third and sixth respondents, the owner of the house Alagappan brazenly dumped all building construction materials like M sand, Blue Metal, Cement, Bricks, TMT Bars, Construction debris etc on the road outside his site, namely Adithya Avenue, Injambakkam. In short, Alagappan has been illegally using the road belonging to the Civic body to dump all building materials thereby causing much inconvenience to other road users and the general public.

The complainant through his first complaint dated 23.01.2020 specifically informed the third and sixth respondents that they are responsible to prevent any illegal or unauthorized construction taking place anywhere in their area falling within their territorial jurisdiction and that both the third and sixth respondents are duty bound to discharge their duties and any negligence in preventing the illegally or collusion with the wrong doer is a serious offence.

Hence, through the first complaint dated 23.01.2020, this complainant requested the first and second respondents to intervene and suitably direct the third and sixth respondents to visit the site after the receipt of his email complaint, ascertain the truth and correctness of the contents of his complaint, take photographs of the illegally added under construction rooms, stop the illegal and unauthorized construction put forth by Alagappan at the site bearing Door No.5/157, Adithya Avenue, Gowri Amman Koil Street, Injambakkam, Chennai – 600 115, by issuing a suitable STOP WORK NOTICE as per law.

The complainant further requested the first and second respondents through his first complaint dated 23.01.2020 to suitably direct the third and sixth respondents to immediately clear off all building and construction related materials dumped all over Adithya Avenue by Alagappan and make the road worthy of commute.

Thereafter, the complainant was expecting the third and fourth respondents to realize their mistakes and intervene the next day (24.01.2020) and stop all further construction activities taking place at the aforesaid address, apart from clearing ADITHYA AVENUE of encroachment by getting rid of the building construction materials and debris dumped throughout the road.

On the contrary, the third and respondents, by misusing their powers, directly informed Alagappan and leaked out the complainant's identity and asked Alagappan to threaten him by using force and by unleashing goondas with a view to harm the complainant bodily. This complainant is well informed through his sources in the Chennai Corporation that the sixth respondent was bribed Rs.10,000/- for leaking the complainant's identity to Alagappan.

Since the sixth respondent, obviously under instructions from the third respondent was more interested in the welfare of wrongdoers instead of the citizen's welfare and deliberately leaked the identity of this whistleblower complainant to the wrongdoer Alagappan, this complainant lodged a second complaint dated 26.01.2020 through email with the first and second respondents making specific allegations against the third and sixth respondents.

The complainant requested the first and second respondents to take cognizance of his second complaint dated 26.01.2020 and enquire into the bizarre circumstances under which the third and sixth respondents leaked his identity to the wrongdoer Alagappan after receiving such bribe monies. The complainant further requested the first and second respondents in his second complaint dated 26.01.2020 to instruct the third and sixth respondents to immediately issue a STOP WORK NOTICE as per law to Alagappan, for illegally and unauthorisedly constructing four additional rooms at Door No.5-157, Adithya Avenue, Gowri Amman Koil Street, Injambakkam, Chennai-600 115.

The complainant through his second complaint dated 26.01.2020 requested the first and second respondents to instruct the third and sixth respondents to immediately take such steps to remove and seize all building construction materials like M sand, Bricks, Blue Metal, TMT Bars, construction debris etc. indiscriminately dumped all over ADITHYA AVENUE by Alagappan within 24 hours of the receipt of the email complaint.

Lastly, the complainant requested the first and second respondents to initiate such departmental action at the earliest against the third and sixth respondents for colluding with Alagappan and thereby permitting him to encroach a public road to construct four additional rooms without obtaining any building plan approval from the Civic body.

The complainant submits that after lodging the second email complaint dated 26.01.2020, he was expecting the respondents 3 to 6 to intervene and do the needful as per law. Contrary to his expectations, the aforesaid respondents conveyed to Alagappan that they have received a second complaint from this complainant and advised Alagappan that he must fasten up his illegal construction activities as soon as possible.

Accordingly, on 26.01.2020 the third and sixth respondents, encouraged and allowed nearly 60% of illegal construction to take place, despite the fact that 26.01.2020 happened to be a NATIONAL HOLIDAY, being REPUBLIC DAY and also fell on a Sunday.

The complainant states that on 26.01.2020, when the whole Nation was busy celebrating the 71<sup>st</sup>. REPUBLIC DAY with pride, pomp and zeal, the third and sixth respondents chose to celebrate REPUBLIC DAY in a very novel and innovative manner, which turned out to be a bumper harvest in terms of monetary benefits for them.

The complainant states that at about 6.30 AM of 26.01.2020, two lower level employees of Greater Chennai Municipal Corporation arrived at the site which is the subject matter of this complaint. They brought along with them a site supervisor and 40 odd workers/labourers. A concrete mixer was also brought in few minutes to the site by the team presided over the civic body workers, undoubtedly deputed by the third and sixth respondents.

Emboldened by the unconditional cooperation extended by the third and sixth respondents, the owner of the site Alagappan did not present himself at the site the whole day. Within an hour, one truckload of M sand, one truckload of Blue metal and one truckload of bricks arrived at the site. All these items were AS USUAL dumped on the public road, under instructions from the two workers deputed by the third and sixth respondents. Seeing the commotion, this complainant went near and enquired as to what has happening, that too on a NATIONAL HOLIDAY. However, this complainant was ignored and the site supervisor in turn advised him to get all details with the sixth respondent, as he claimed that this entire operation being undertaken on a NATIONAL HOLIDAY is with the blessings of the sixth respondent.

The complainant states that within no time, full fledged construction activities started on a war footing and the illegal/unauthorized construction of four new rooms apart from few structural modifications took place at lightning pace. Without giving any tea or lunch break, this clandestine construction operation on a NATIONAL HOLIDAY continued uninterrupted till 8.30 PM. In short, the third and sixth respondents allowed unauthorized construction at the aforesaid site for 14 hours at a stretch and this complainant is reliably informed through his sources in the locality that the sixth respondent bribed a sum of Rs. 1,50,000/- for extending his support on a national holiday. This complainant is not having any information as to whether this bribe money was distributed with other civic body officials belonging to the office of the third respondent.

The complainant states that the most disgusting fact in this entire episode is that for the full 14 hours, both the workers representing the civic body were standing guard outside the site like watchmen, as probably they were instructed by the third and sixth respondents to ensure that the special NATIONAL HOLIDAY construction operation is not disturbed by any one in the vicinity.

The complainant states that during the REPUBLIC DAY special operation sponsored by the third and sixth respondents, almost all empty/open space in the 1.5 ground plot were converted into rooms and as a result no open space has been left untouched, that even a small car can be parked inside the building in future. Had the civic body indeed sanctioned any building plan approval for the site, it would have certainly insisted on adequate open space be compulsorily reserved for car park, based the FSI eligibility for the plot. This clearly shows that the entire structure should be declared as ILLEGAL & UNAUTHORISED by the civic body as per law.

Since the above conduct of the third and sixth respondent in allowing nearly 60% of the illegal construction to be carried out on a National Holiday (26.01.2020), which also fell on a Sunday is a very serious matter questioning the very integrity of the respondents 3 to 6, he was constrained to lodge a third email complaint dated 27.01.2020 to the first and second respondents. In this third complaint dated 27.01.2020, this complainant narrated all the illegal acts indulged by the third and sixth respondents as stated above.

In this third complaint dated 27.01.2020, this complainant had stated that he has received credible information from the office of the third and sixth respondents that during the course of next week, civic body would be issuing a STOP WORK notice to Alagappan for putting up unauthorized constructions at the site. Before such a STOP WORK NOTICE is issued, the third and sixth respondents advised Alagappan to complete the required construction on or before 26.01.2020, so that by the time the STOP WORK NOTICE is issued, it would become a meaningless document, as nothing further would be left to construct.

In short, the REPUBLIC DAY illegal construction activities were badly undertaken by Alagappan as advised by the third and sixth respondents, only to circumvent the STOP WORK NOTICE to be issued by the civic body in future and to make it somehow infructuous.

In the third complaint dated 27.01.2020, this complainant had stated that this extreme out of the way cooperation and helping hand extended by the third and sixth respondents to Alagappan, seriously express the level of corruption that has penetrated into their respective offices and that this sort of systematic manipulation of the system by Alagappan cannot succeed without the unconditional support of the third and sixth respondents.

Therefore the complainant through his third complaint dated 27.01.2020 requested the first and second respondents to instruct the third and sixth respondents to immediately issue a STOP WORK NOTICE to Alagappan for the reasons cited in his three complaints dated 23.02.2020, 26.01.2020, and 27.01.2020, as per law. The complainant further requested the first and second respondents to instruct the third and sixth respondents to immediately remove/clear off all building construction materials including construction debris dumped on ADITHYA AVENUE by Alagappan and further direct them to report compliance to the first and second respondents, as per law. The complainant further requested the respondents to ensure that in future no construction activities take place in the unauthorisedly constructed side, unless and until the entire illegal structure is demolished and a new building is freshly constructed after obtaining such valid building plan approval from the civic body.

The complainant submits that after lodging the third email complaint dated 27.01.2020, he expected the civic body officials, especially the third and sixth respondents to intervene and stop the illegal construction activities taking place at the concerned site, apart from removing the building construction materials stored or dumped in the public road.

Unfortunately, none of the officials representing the civic body turned up, to at least visit the site to verify the truth and correctness behind all the three complaints lodged by him since 23.01.2020.

Under such circumstances, this complainant addressed a fourth email complaint at 13.30 hours on 29.01.2020. In this fourth complaint, the complainant had stated that from early morning 07.00 hours of 29.01.2020, full fledged illegal and unauthorized construction was taking place and nearly 30 odd labourers have been deployed therein to complete the construction on a war footing. The complainant had further stated that few civic body officials were hand in glove with the owner of the site Alagappan and have decided to give him a free run till the entire construction is completed, obviously without any sanctioned building plan approval from the civic body.

In this fourth complaint dated 29.01.2020, he had stated that he has full faith on the first and second respondents as they both are known to be good and honest officials in our State. Unfortunately, those working under them were discharging their duties in pursuance of some hidden agenda. Hence, the complainant requested the first and second respondents to treat the fourth complaint dated 29.01.2020 as urgent and seek a FACTUAL REPORT from the Vigilance Officer of the civic body, instead of seeking such a report from the concerned Zonal Engineer the third respondent herein, as he would not give a true report under the given circumstances.

In the fourth complaint, the complainant earnestly requested the first and second respondents to issue a STOP WORK NOTICE to the owner or occupier of the site as per law before commencing any further enquiry. The complainant further requested the first and second respondents to immediately order the removal/clearing of all building construction materials including construction debris dumped on ADITHYA AVENUE by Alagappan, as per law, soon after the receipt of this fourth email complaint.

After the aforesaid fourth complaint dated 29.01.2020 was lodged by the complainant with the respondents, he was expecting the civic body to issue a STOP WORK NOTICE to the wrongdoer Alagappan and thereby put an end to the illegal and unauthorized building construction undertaken at the site without obtaining any building plan approval from the civic body. After lodging the fourth complaint dated 29.01.2020, this complainant was expecting the civic body officials, especially respondents 3 to 6 to visit the site to take photographs and thereafter clear off all the building materials and debris found all over the public road Adithya Avenue, Injambakkam.

Unfortunately, neither happened and the wrongdoer continued with his illegal construction activities and the public road Adithya Avenue, Injambakkam continued to be encroached by building construction materials like M Sand, river sand, bricks, TMT Bars etc.



Since, all the complainant's four e-mail complaints dated 23.1.2020, 26.1.2020, 27.1.2020 and 29.1.2020 were put into cold storage by the civic body for reasons best known to them, this complainant was constrained to lodge a fifth e-mail complaint dated 30.1.2020.

In the fifth complaint dated 30.1.2020, he had specifically stated that on that day (30.1.2020) by around noon, two truckloads of M sand have been freshly dumped on the public road ADITYHYA AVENUE to continue with the illegal construction activities.

The complainant had stated in his fifth complaint dated 30.1.2020 that he had been requesting the civic body officials to remove all building construction materials and debris dumped and scattered all over ADITYHYA AVENUE in all his previous four e-mail complaints. The complainant had further stated that their conduct of failing to remove the same, raised serious doubts about the honesty and integrity of certain officers. To confirm that few officers have taken bribe to allow the construction illegally, that day's (30.1.2020) brazen act of allowing two fresh truckloads of M Sand to be dumped on ADITYHYA AVENUE, in addition to the existing stock and debris, was enough to expose massive corruption plaguing the civic body in the instant case.

In his fifth complaint dated 30.1.2020, the complainant had stated that enormous noise was being generated due to the constant drilling of walls, even after night hours at the aforesaid site. The owner of the site Alagappan has been dumping, mixing and using cement and other construction related works in the road and this was causing massive pollution in the locality.

The complainant mentioned in his fifth complaint dated 30.1.2020 that his house was located hardly 20 to 25 metres from the site and was unable to sleep during night times. The site located too close to the beach is considerably influenced by the wind flow which is normally very high and since all construction materials are dumped on the road, the dirt and dust freely circulated to the nearby areas due to nature's fury. Due to this dust and noise pollution, many residents in the locality were unable to breath properly and have also lost their peaceful sleep during night hours. Despite closing the doors and windows of the houses located nearby, cement and dust particles penetrate somehow and settles inside the homes. The residents are unable to even eat home cooked food in a hygienic manner and the food gets contaminated and polluted with dust and cement particles.

Hence, in the interest of the health of fellow citizens of the locality living in its vicinity, this complainant through the fifth complaint dated 30.1.2020, requested the civic body to forthwith stop the illegal construction which was happening without any precaution or net cover around, apart from clearing the dust and sand strewn all over the road. The complainant had further stated in his fifth complaint dated 30.1.2020 that this project undertaken by Alagappan was turning out to be an environmental disaster for the people living therein.

Therefore the complainant requested the first and second respondents to intervene at least after the receipt of the fifth e-mail complaint dated 30.1.2020 lodged within a gap of just seven days and thus restore the trust people have reposed in the Chennai Corporation, by issuing a STOP WORK NOTICE to the aforesaid site, apart

from removing all building materials and debris dumped indiscriminately all over ADITYHYA AVENUE, INJAMBAKKAM by Alagappan, immediately upon the receipt of the said complaint.

The complainant states that despite he lodging the above fifth complaint dated 30.1.2020, there was absolutely no intervention from the civic body and all his complaints were thrown into their dust bins.

While that being so, 2.2.2020 being a Sunday and a universal holiday, turned out to be a massive income generating occasion for the civic body officials, as the third and sixth respondents punctually deputed two of their lower level staff to the illegal building construction site at 7:30 A.M. As expected, within 15 minutes, score of workers descended on the spot and within two hours from then, heavy machineries like heavy duty Hammer drilling machines, heavy duty Concrete breaking machines, heavy duty power hammer machines etc were put to use by nearly 15 labourers, mostly north Indians. The owner of the site Alagappan was conspicuously absent and on his behalf his representative cum civil contractor one Babu was present. The said Babu is believed to be the conduit in between the civic body officials especially the 3<sup>rd</sup> and 6<sup>th</sup> respondent and Alagappan.

The complainant states that by using the aforesaid heavy duty machines, a major portion of the illegal structure and demolished for some reasons. Likewise, the corners of all pillars illegally constructed recently at the gate entrance were chiselled. The complainant states that all the above procedures generated heavy noise. When even a singly machinery would generate unbearable noise, one can understand how much noise pollution must have been generated on 2.2.2020 at the site, when nearly 8 machines of the above nature were working simultaneously till 9:30 PM. Apart from unbearable and high decibel level noise generated at the site, the cement and concrete dust flying away, due to the chiseling and hammering operations was even more enormous and certainly beyond permissible levels.

The complainant states that the demolition waste generated from the polluting site on 2.2.2020 was a usual dumped on the public road ADITYHYA AVENUE. Since the demolition waste and debris generated was more than what the public road ADITYHYA AVENUE could accommodate, the excess waste was dumped in the nearby empty plots located adjacent and opposite to the site. This huge pile up of demolition waste resembles a mountain heap and it would take at least eight to ten trucks to clear the entire debris dumped illegally from the public road and the vacant plots.

Apart from using the road to dump this demolition waste, the public road ADITYHYA AVENUE is currently being used exclusively by Alagappan and his civil contractor Babu, to store all building construction materials like M Sand, Blue Metal, TMT BARS, Bricks etc. In short, nearly 90% of the public road ADITYHYA AVENUE has been encroached due to the illegal dumping of the building construction materials, taking over 50% of the road space and the balance 40% taken over by the demolition waste and debris generated from the aforesaid polluting site. The remaining 10% of the road is used by the workers to operate concrete mixer plant, illegally used for the illegal construction activity.

Adding to the already compounded problem of the site generating huge noise and air pollution that has immensely affected the health and peace of mind of people living in the vicinity, on 2.2.2020 at about 5 PM, two truckloads of M Sand arrived and dumped the same, as usual on the public road, as instructed by the civic body's lower level workers deputed by the third and sixth respondents. The complainant state that this clearly violates the relevant provisions of the CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT RULES, 2016, notified by the Ministry of Environment and Forests, Union of India.

The complainant further states that on 3.2.2020 at about 4.15 PM, two heavy truckloads of TMT BARS were brought to the site for the illegal construction and as usual the same was dumped illegally on the public road ADITYHYA AVENUE.

Since there was no end to the illegal construction taking place with the blessings of the civic body officials, this complainant lodged a sixth complaint dated 3.2.2020 to the respondents, containing all the facts stated above.

Unfortunately, even this sixth complaint dated 3.2.2020 has been kept inside cold storage by the civic body and Alagappan continued with his illegal construction activities successfully.

It is not out of context to mention here that though the wrongdoer Alagappan started his mission to construct only four additional rooms in his old structure, in due course, obviously due to the unbiased and unconditional support extended by the respondents 3 to 6, he expanded his ideas and started construction another four additional rooms, thereby totalling around 8 new rooms in every nook and corner of the plot. Apart from these 8 new rooms, the wrongdoer Alagappan has also constructed one additional Kitchen, taking the total number of Kitchens in the site to 2. Thus it is evident that instead of stopping the illegal construction, the respondents 3 to 6 have accelerated the wrongdoer and ensured that he added 8 new rooms and one additional kitchen, without he obtaining any building plan approval from the Chennai Municipal Corporation.

The complainant submit that to demonstrate the fact that the civic body has not taken any step to stop the illegal construction undertaken by Alagappan at the aforesaid site and that no STOP WORK NOTICE has been issued by the civic body despite he lodging six complaints to the civic body, The below described incidents would reveal that the civic body is working hand in glove with the wrongdoer.

The complainant submits that on 11.2.2020 at about 6.30 AM, a truck bearing registration number TN-10-R-0952 clandestinely tried to unload bricks on the public road Adithya Avenue, for use in the illegal and unauthorised construction site of Alagappan. This truck managed to unload almost 25% of the bricks load on the public road Adithya Avenue, before people living in the vicinity objected to the public road being used to store such construction materials.

Since the matter went slightly out of control, police had to be called to the site to restore normalcy. Unfortunately, even after the police visited the spot, the truck crew refused to relent and were desperate to unload the consignment on the public road.

Therefore, the truck was escorted to the J-8, Neelankarai Police station for avoiding any potential law and order problem.

Upon enquiry, it was revealed that Alagappan has been regularly placing orders with more than six hardware shops in ECR and that day's (11.2.2020) consignment was delivered by Sri Murugan Hardwares, owned by one A Nallaiyan, functioning from No.168, East Coast Road, Injambakkam, Chennai – 600 115. The truck crew members confessed to the local police that the Division 196 AE of the Chennai Corporation, the 6<sup>th</sup> respondent herein. Introduced Sri Murugan Hardwares Shop owner to Alagappan and instructed him to supply all bricks related items on credit basis. The truck crew members further confessed to the jurisdiction police that the 6<sup>th</sup> respondent had instructed Sri Murugan Hardware Shop vehicle drivers to dump all construction items on the public road namely Adithya Avenue.

From the above incident, it is now apparent that the sixth respondent is the one of the main prime offenders in the above illegal construction activity taking place at the above site of Alagappan. Since the sixth respondent is monetarily benefitted due to materials supplied to the site, he has generously allowed the wrong doer Alagappan to use the public road Adithya Avenue to dump all construction materials. This conduct of the sixth respondent is highly condemnable and it is high time that the first respondent Commissioner, Chennai Corporation initiates such enquiry against his corrupt acts and deeds. It is for the said reason that the sixth respondent never visited the site even once to stop the illegal construction till date.

Hence, narrating all the above facts that, this complainant addressed a seventh e-mail complaint dated 11.2.2020 to the respondents one and two wherein he has requested the first respondent to place the sixth respondent under SUSPENSION, pending enquiry on the above matter.

This complainant through the seventh complaint dated 11.2.2020 further requested the first respondent to take such action to forthwith remove all building construction materials like M Sand, River Sand, Blue Metal, TMT Bars and Bricks dumped indiscriminately by the wrongdoer Alagappan on the public road Adithya Avenue, Injambakkam, at the earliest, as these items are occupying almost 90% of the road space, meant to be used by the general public.

Lastly through the seventh complaint dated 11.2.2020, the complainant requested the first respondent Commissioner to personally intervene and issue a LOCK AND SEAL CUM DEMOLITION NOTICE to the concerned site, as it is crystal clear that the wrong doer is not having any sanctioned building plan issued by the civic body to add eight or nine additional rooms to the existing old structure, after demolishing a substantial portion of the same. This complainant further requested the first respondent Commissioner to take such steps on an urgent basis to clear all construction and demolition waste dumped indiscriminately on the public road Adithya Avenue by the wrongdoer Alagappan at the earliest.

The complainant states that despite he lodging seven complaints to the civic body on 23.1.2020, 26.1.2020, 27.1.2020, 29.1.2020, 30.1.2020, 3.2.2020, and 11.2.2020, till date no visible or worthwhile action has been initiated against the

wrongdoer Alagappan for obvious reasons. In fact, on 15.2.2020 (Saturday) and 16.2.2020 (Sunday), more than 30 labourers were found working inside the site almost round the clock. On 16.2.2020 Alagappan was busy fixing tiles atop the roof of a newly (illegally) added (constructed) room in the first floor of the structure on the front side. On 17.2.2020 (Monday), Alagappan still continued to work on the site by affixing floor tiles on all the 8 illegally added rooms as he has not been served even with a STOP WORK NOTICE by the civic body. Even as of 17.2.2020, the entire public road Adithya Avenue is out of bounds for the general public as 90% of the road is still encroached by all the building construction items like M Sand, river sand, TMT Bars, bricks etc. The demolition waste and debris dumped by Alagappan on the public road is yet to be cleared by the respondents 3 to 6 despite acknowledging seven complaints from the complainant. Thus it is evident that the respondents 3 to 6 have colluded with Alagappan and have received such proportionate monetary considerations while turning a blind eye to the illegal and unauthorised construction currently underway at the concerned site.

From the above, it is evident that the respondents 3 to 6 are guilty of corruption, maladministration, misconduct and irregularities while discharging their official duties towards the Greater Chennai Municipal Corporation. It is also evident that the respondents 3 to 6 have not acted or worked in accordance with the provisions of the relevant laws governing public servants. The various irregularities indulged by the respondents 3 to 6 involve criminal offence committed by them while discharging their official duties. The irregularities committed by respondents 3 to 6 are due to their willful negligence and dereliction of duties. The respondents 3 to 6 have abused their respective positions for personal gains and hence have favoured the wrongdoer in allowing him to proceed with the illegal construction till the date of filing of this complaint before the Hon'ble Ombudsman. These public servants, namely respondents 3 to 6 have shown an overactive and personal interest in protecting the interest of the wrongdoer Alagappan due to improper and corrupt motives. These public servants, namely respondents 3 to 6 have miserably failed to act in accordance with the norms of integrity and conduct, which ought to be followed by them for the class to which they belong to. These public servants have been unreasonable while dealing with the seven complaints lodged by this complainant. They have shown undue favouritism to Alagappan by refusing to stop the illegal construction, as till date the construction is taking place without any disturbance by the respondents 3 to 6. Since there is a high degree of willful negligence in taking action against the wrongdoer Alagappan, this complainant is constrained to lodge this complaint.

As already submitted, this complainant has lodged numerous complaints of wrongdoings by public servants before various authorities and forums. Likewise, this complainant lodged a complaint dated 23.8.2019 before this Hon'ble Ombudsman against the very same set of respondents on the grounds that they permitted one Chithra of Gowri Amman Koil Street, Injambakkam to illegally construct two floors over her existing structure. The said complaint was taken on file by this Hon'ble Tribunal and the same was numbered as Complaint No.130/Ma/2019. After holding an elaborate enquiry and after considering the facts and circumstances of the case, this Hon'ble Ombudsman was pleased to pass certain orders while holding the building illegally constructed by Chithra to be dealt with as per law. While delivering

the final verdict in the above Complaint, this Hon'ble Ombudsman was pleased to direct the respondents 3 and 6 herein, who are also parties in the said case, to identify all illegal constructions taking place in their limits and further directed them to initiate such action as per law. This order was delivered by the Hon'ble Ombudsman on 5.2.2020. This complainant has also annexed true copy of the order rendered by the Hon'ble Ombudsman.

The complainant states that as per the above order, the respondents 3 to 6 are duty bound to identify all illegal constructions taking place within their limits and purview. In the instant case, Alagappan's illegal construction site falls under their jurisdiction. Unfortunately, the respondents 3 to 6 have chosen to disobey the earlier order of the Hon'ble Ombudsman in Complaint No.130/Ma/2019 dated 5.2.2020. To substantiate that the respondents 3 to 6 are guilty of grave misconduct and have abused their powers and positions, it is worthy of mention here that they have been sleeping over all the seven complaints lodged by the complainant from 23.1.2020. Had they acted on time in a manner known to law, Alagappan won't be continuing his illegal construction till 17.2.2020. Since there is no action from the respondents 3 to 6, this complaint is being filed before this Hon'ble Ombudsman. The complainant has enclosed copies of all the seven notices along with this complaint for the perusal of this Hon'ble Ombudsman.

The complainant states that he is not having any grievance as against the first and second respondent and they are merely shown as formal respondents in this complainant. The complainant is seeking reliefs as against the respondents 3 to 6 for their various acts of commissions and omissions.

The complainant has affixed a COURT FEES STAMP for a value of Rs.10/- as mandated.

Under these circumstances, it is therefore most respectfully prayed that this hon'ble Ombudsman may be pleased to accept this complaint, enquire into the matter and suitably:

- (i) Direct the respondents to forthwith issue a LOCK AND SEAL CUM DEMOLITION ORDER with regard to the illegal construction now being undertaken by Alagappan at the concerned site without obtaining any building plan approval from the civic body;
- (ii) Recommend appropriate departmental action to be initiated by the state government against respondents 3 to 6 for being willfully negligent and for dereliction of duties by allowing the illegal construction to continue till the date of lodging this complaint before this Hon'ble Ombudsman;
- (iii) Direct the Director, Directorate of Vigilance & Anti-Corruption to register a case and investigate the respondents 3 to 6 in allowing the illegal construction to happen despite receiving seven complaints in that regard;

And pass such further or other orders as this Hon'ble Ombudsman may deem fit and proper in the circumstances of the case and thus render justice.

2) மேற்கண்ட புகார் மனுவின் மீதான அறிக்கையை அனுப்புமாறு தமிழ்நாடு உள்ளாட்சி அமைப்புகள் முறைமன்ற நடுவத்தின் 07.03.2022 நாளிட்ட கடிதம் மூலம், ஆணையர் பெருநகர சென்னை மாநகராட்சி சென்னை மற்றும் மண்டல அலுவலர், மண்டலம் -15, பெருநகர சென்னை மாநகராட்சி அவர்களிடம் கோரப்பட்டது.

3) முறையீட்டு மனுதாரர் மற்றும் மண்டல அலுவலர், மண்டலம்-15, பெருநகர சென்னை மாநகராட்சி ஆகியோரை 28.03.2022 அன்று நேரடி விசாரணைக்கு ஆஜராகுமாறு 07.3.2022 நாளிட்ட அழைப்பாணைகள் அனுப்பப்பட்டது.

4) மனுதாரர் 28.03.2022 அன்றைய நேரடி விசாரணையில் ஆஜராகி கீழ்க்கண்ட தனது வாக்குமூலத்தை சமர்ப்பித்துள்ளார்:

“சென்னை, ஈஞ்சம்பாக்கம், ஆதித்யா அவென்பூ, கௌரி அம்மன் கோவில் தெரு, எண்.5/57-ல் அமைந்துள்ள இடத்தில் அழகப்பன் என்பவர் சட்டத்திற்கு புறம்பாக கட்டடம் கட்டியுள்ளார். உள்ளாட்சி அமைப்பிடமிருந்து எவ்வித அனுமதியில்லாமல் அங்கு கட்டப்பட்டுள்ள மேற்கண்ட கட்டடத்தில் 8 கூடுதல் அறைகள் அனுமதியில்லாமல் கட்டப்பட்டுள்ளன. இதன் மீது பெருநகர சென்னை மாநகராட்சி மண்டலம் 15 அலுவலர்கள் Lock and Seal நோட்டீஸ் அளித்திருந்தும் மேற்கண்ட கட்டடத்தை இடிக்கும்பொருட்டு எவ்வித மேல் நடவடிக்கையும் எடுக்கப்படவில்லை. எனவே, மேற்கண்ட அனுமதியற்ற கட்டடத்தின் மீது சட்டப்படி நடவடிக்கை எடுத்து, அதனை இடித்திட தேவையான நடவடிக்கை எடுக்கும்படி இம்முறைமன்றத்தை கேட்டுக்கொள்கிறேன். மேலும் இம்முறை மன்றத்தில் என்னால் சமர்ப்பிக்கப்பட்ட 18.02.2020 நாளிட்ட மனுவையே எனது மேல் வாக்குமூலமாக பதிவு செய்து கொள்ளும்படி இம்முறைமன்றத்தை கேட்டுக்கொள்கிறேன்” என்று தெரிவித்து உள்ளார்.

5) பெருநகர சென்னை மாநகராட்சி, மண்டலம்-15-ன் செயற்பொறியாளர் மற்றும் இளநிலைப்பொறியாளர் ஆகியோர் 28.03.2022 அன்று நேரடி விசாரணையில் ஆஜராகி கீழ்க்கண்ட தங்களது வாக்குமூலத்தை சமர்ப்பித்துள்ளனர் :

“சென்னை ஈஞ்சம்பாக்கத்தைச் சேர்ந்த திரு. ஐ.எச். சேகர் என்பவர், சென்னை ஈஞ்சம்பாக்கம், ஆதித்யா அவென்பூ, கௌரி அம்மன் கோவில் தெரு, எண்.5/57-ல் அமைந்துள்ள இடத்தில் திரு.அழகப்பன் என்பவர் சட்டத்திற்கு புறம்பாக அனுமதியில்லாமல் கட்டப்பட்டுள்ள கட்டடம் குறித்த புகார் மனுவின் மீது விசாரணை மேற்கொண்டு, சம்பந்தப்பட்ட கட்டட உரிமையாளருக்கு மேற்கண்ட கட்டடம் குறித்த திட்ட அனுமதி பெறப்பட்ட விவரத்தை கேட்டு (Calling for Approval plan) 7.2.2020-ல் தாக்கீது அனுப்பப்பட்டது. அதற்கு அடுத்த கட்ட நடவடிக்கையாக Lock & Seal நோட்டீஸ் 25.2.2020ல் வழங்கப்பட்டுள்ளது. அதற்கு பிறகு Lock & Seal மற்றும் நீதிமன்ற நடவடிக்கை மேற்கொள்ள எவ்வித நடவடிக்கையும் இதுவரை மேற்கொள்ளவில்லை என தெரிவித்துக்கொள்கிறோம். விரைவில் ஆணையரிடமிருந்து Lock & Seal அனுமதிபெற்று கட்டடத்திற்கு Lock & Seal வைக்கப்படும்; மற்றும் நீதிமன்ற நடவடிக்கை மேற்கொள்ளப்படும் என்பதையும் இம்முறைமன்றத்தில் தெரிவித்துக்கொள்கிறோம்” என தெரிவித்துள்ளனர்.

6) இந்நேர்வு தொடர்பாக முறையீட்டு மனுதாரரின் புகார் மனு, அவரது வாக்குமூலம், மண்டலம் -15 ன் செயற்பொறியாளர் மற்றும் இளநிலைப் பொறியாளர் ஆகியோரின் வாக்குமூலம் ஆகிய அனைத்தும் இம்முறைமன்ற நடுவத்தால் கவனமுடன் பரிசீலிக்கப்பட்டு கீழ்க்கண்ட விவரங்கள் கண்டறியப்பட்டன :

முறையீட்டு மனுதாரர் சென்னை ஈஞ்சம்பாக்கம் ஆதித்தியா அவென்யூ, கௌரி அம்மன் கோவில் தெரு, எண்.5/57ல் அமைந்துள்ள இடத்தில் அழகப்பன் என்பவர் சட்டத்திற்கு புறம்பாக கட்டடம் கட்டியுள்ளார் என்றும் அனுமதியற்ற கட்டடத்தின் மீது சட்டப்படி நடவடிக்கை எடுத்து அதனை இடித்திட நடவடிக்கை எடுக்க கோரியுள்ளார்.

மாநகராட்சி அலுவலர்களால் சம்மந்தப்பட்ட கட்டட உரிமையாளருக்கு கட்டடம் குறித்து திட்ட அனுமதி பெறப்பட்ட விவரம் கோரப்பட்டுள்ளது. அதனை தொடர்ந்து (Calling for Approval Plan) 7.2.2020ல் தாக்கீது அனுப்பியுள்ளதையும் அறியமுடிகிறது. Lock and Seal அறிவிப்பு 25.2.2020ல் வழங்கப்பட்டுள்ளதையும் அறியமுடிகிறது. அடுத்து எடுக்கப்பட வேண்டிய Lock and Seal மற்றும் நீதிமன்ற நடவடிக்கை மேற்கொள்ள எவ்வித நடவடிக்கையும் எடுக்கப்படவில்லை என்பதையும் அறியமுடிகிறது.

இந்நேர்வில் மனுதாரர் திரு. I.H. சேகர் 23.1.2020லிருந்து தொடர்ந்து பல புகார் மனுவினை ஆணையர், பெருநகர சென்னை மாநகராட்சி உள்ளிட்ட தொடர்புடைய ஏனைய அலுவலர்களுக்கும் அனுப்பி வந்துள்ளார். அரசுப் பணியாற்றும் அலுவலர்கள் விதிமுறைகளை பின்பற்றாமலும் அரசின் சட்டதிட்டங்களின்படி உரிய நடவடிக்கை எடுக்காமலும் இருந்துள்ளனர். மேலும் இத்தகைய புகார்களின் உண்மைத் தன்மையை கள ஆய்வு மேற்கொண்டு ஆராயாமலும் மற்றும் அதனை கண்டுகொள்ளாமலும் மண்டலம் 15ஐச் சேர்ந்த அலுவலர்கள் இருந்துள்ளதை சாதாரணமாக புறந்தள்ள இயலாது. இதனை இம்முறைமன்ற நடுவம் வன்மையாக கண்டிக்கிறது. மேலும் மண்டலம் 15ஐச் சேர்ந்த அலுவலர்கள் அறிவிப்பு (Notice) மட்டும் வழங்கிவிட்டு அதற்கு பிறகு எந்தவித நடவடிக்கையும் எடுக்காமல் இருந்து வந்துள்ளனர். இந்த செயலுக்கு பொறுப்பான சம்மந்தப்பட்ட அலுவலர்கள் மீது துறைநீதியான ஒழுங்கு நடவடிக்கை எடுக்கவும் மற்றும் மேற்கண்ட விதி மீறி கட்டப்பட்ட கட்டடம் குறித்து Lock and seal நடவடிக்கையை தொடர்ந்து நீதிமன்ற நடவடிக்கைகளை மேற்கொள்ளவும், பெருநகர சென்னை மாநகராட்சி ஆணையருக்கு பரிந்துரை செய்து இம்முறைமன்ற நடுவம் ஆணையிடுகிறது.

2022-ஆம் ஆண்டு, ஏப்ரல் திங்கள் 19-ம் நாளன்று, என்னால் கையொப்பமிடப்பட்டு, அலுவலக முத்திரையிட்டு ஆணையிடப்படுகிறது.

//ஒப்பம்//

தமிழ்நாடு உள்ளாட்சி அமைப்புகள் முறைமன்ற நடுவர்

பெறுநர்

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**நகல்**

மாண்புமிகு முறைமன்ற நடுவரின் தனிச்செயலர்  
இ.கோ. / உதிரி

//ஆணைப்படி/அனுப்பப்படுகிறது//



செயலாளர்.  
20/4/2

*(Handwritten signature)*