

(2010) 02 MAD CK 0122

In the Madras High Court

Case No : Writ Petition No. 9894 of 2006 and M.P. No. 1 of 2009

Mr. V.K. Palanivel

APPELLANT

Vs

The Commissioner of Municipal Administration and The
Regional Director of Municipal Administration

RESPONDENT

Date of Decision : 02-02-2010

Acts Referred:

Citation : (2010) 02 MAD CK 0122

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : V. Bharathidasan, in W.P. No. 9894 of 2006 and T. Sundaravadanam, in W.P. No. 18664 of 2009, for the Appellant; R. Murali, Government Advocate for R1 and R2, for the Respondent

Judgement

M. Jaichandren, J.—In W.P. No. 9894 of 2006 the petitioner has challenged the circular in Roc. No. 7194/02/WS2, dated 14.2.2006,

issued by the Office of the Commissioner of Municipal Administration, Chennai, permitting the consumers to engage unlicensed plumbers, pursuant

to the Government Order, in G.O.Ms. No. 287, Municipal Administration and Water Supply (Election) Department, dated 5.11.1996.

2. In W.P. No. 18664 of 2009 the petitioner had prayed for a direction to the second respondent to implement his proceedings, in Na.Ka. No.

5095/2005/E1, dated 22.8.2005.

3. The main contention of the learned Counsel appearing on behalf of the petitioner, in the above writ petitions, is that, in the Government Order, in

G.O.(D) No. 523, Municipal Administration and Water Supply Department, dated 19.9.1995, it had been stated that the Government had

proposed to recognise the certified plumbers to entrust the works relating to the

local bodies, after collecting a deposit amount, as security. The Government had prescribed certain guidelines for approving the qualified plumbers. The said Government Order had been issued since, the work entrusted to the plumbers in the various local bodies, for giving tap connections to the houses, were not upto the mark and there were a number of complaints stating that the funds collected from the public had been misused. Therefore, the petitioner who is a licenced and certified plumber, has claimed that only licenced and certified plumbers should be permitted to give connections to the houses coming under the various local bodies.

4. The learned Counsels appearing on behalf of the respondents had submitted that the government had issued the Government Order, in G.O.Ms.

No. 287, Municipal Administration and Water Supply (Election) Department, dated 5.11.1996, permitting the unregistered and unlicenced plumbers to be engaged by the consumers, for giving tap connections to their houses. Though it was initially meant for a period of one year, it had

been extended thereafter, by the circular, dated 14.2.2006, issued by the Office of the Commissioner of Municipal Administration, Chennai, in

Roc. No. 7194/02/WS2. In such circumstances, it is not open to the petitioner to claim that unregistered and unlicenced plumbers should not be

allowed to be engaged by the consumers, for providing tap connections to their houses.

5. In view of the submissions made by the learned Counsels appearing on behalf of the parties concerned, this Court is of the considered view that

the petitioner has not shown sufficient cause or reason, for this Court to grant the reliefs, as prayed for by the petitioner. The petitioner has not

been in a position to show that he has a vested right to be engaged by the consumer, for providing tap connections to their houses, coming under

the local bodies. Further, it is clear from G.O.Ms. No. 287, Municipal Administration and Water Supply (Election) Department, dated 5.11.1996,

that the Government had permitted unregistered and unlicenced plumbers to be engaged by the consumers and thereafter, the said practice was

continued by way of the circular, dated 14.2.2006, issued by the first respondent in his proceedings in Roc. No. 7194/02/WS2.

6. In such circumstances, the writ petitions are devoid of merits. Hence, it stands dismissed. However, it is made clear that it is open to the

consumers to consider engaging registered and licenced plumbers, along with the unregistered and unlicensed plumbers, to give tap connections to their houses in the local municipalities. No costs. Consequently, connected miscellaneous petition is closed.