



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29785 of 2011

and

M.P.No.1 of 2011

Chrompet G.S.T. Salai,
Puduvai Nagar Siruthozhil
Vyaparigal Sangam, (reg No.400/1998)
No.5, 2nd Street, Puduvai Nagar,
G.S.T. Road, Chrompet,
Chennai – 600 044.
Rep. by its Secretary
Mr.G..Bakthavatchalam

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police
Egmore,
Chennai – 600 008.
2. The Commissioner,
Pallavaram Municipality,
Pallavaram,
Chennai – 600 044.
3. The Proprietor,
Hotel Shri Balaji Bhavan,
412/7, G.S.T. Road, Chrompet,
Chennai – 600 044.
4. M/s. Balan Tempo Garage rep. by its proprietor



No.5, 2nd Street, Pudukkottai Nagar,
G.S.T. Road, Chrompet,
Chennai – 600 044.

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... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the respondents 1 & 2 to inspect the 3rd and 4th respondents to ensure that they complied with mandatory provisions of traffic and other laws for the well organized and safe parking of their vehicles in such a way that it shall not cause traffic problem in the public road used by the common public.

For Petitioner : M/s.J.Muthukumaran

For R1 : Mr.C.Selvaraj
Additional Government Pleader

For R2 : Mr.P.Srinivas

For R3 : Mr.T.Vijaya Raghavan

For R4 : Mr.L.Santhosh Kumar

ORDER

The petitioner is Chrompet G.S.T.Salai, Pudukkottai Nagar Siruthozhil Vyaparigal Sangam, (Reg No.400/1998). The petitioner Sangam is a registered society under the Tamil Nadu Societies Registration Act, 1973. It is established for the welfare of the small scale traders and the residents of 2nd Street in Western Pudukkottai Nagar, situated adjacent of grand Southern



Trunk Road, Chrompet, falling under the territorial jurisdiction of
Pallavaram Municipality.

2. The grievances of the writ petitioner is that the respondents 3 and 4 are causing nuisance to the public at large by irregularly allowing the commuters to park the vehicles in front of their commercial establishment. Large scale irregular parking in the G.S.T Road causes greater inconvenience to the people, who all are passing through and it affects free flow of traffic in that locality.

3. The learned counsel for the petitioner states that they are all along fighting for the cause of the public at large in that locality and they have initiated action to stop all such illegalities in that locality. The Sangam is fighting for the welfare of the people of the locality by initiating action and by filing writ petitions in necessary circumstances.

4. The petitioner has stated that not only the respondents 3 and 4, the other commercial establishments are also committing such illegalities by creating traffic congestion in that locality. The traffic police 'on duty' are



not performing their duties diligently and they are allowing such illegalities

to continue on certain extraneous considerations.

5. It is not in dispute that G.S.T Road is the main road and large scale traffic flow is to be controlled. In the event of allowing such illegal vehicle parkings on the road, undoubtedly, the same will create lot of inconvenience to the public at large and further, create traffic congestion in that locality, which is to be controlled by the traffic police officials as the said duty is of paramount importance.

6. Several commercial establishments are opened during the pendency of the present writ petition and the traffic congestion are growing in that locality and illegal parkings are not controlled by the traffic police, based on variety of reasons. There are allegations against the traffic police that they are accepting freebies from such commercial establishments and illegally permitting such parkings on the main road, which causes greater hardship to the public at large. The Commissioner of Police and the Municipal authorities must conduct surprise inspection in this regard and inactions, lapses, negligence, dereliction of duty on the part of the traffic



police officials are to be viewed seriously and all appropriate actions are to be initiated.

7. It is not as if these traffic police authorities cannot control the illegal parking in such prime locality, they are capable of controlling the traffic activities in that particular place. However, they remain as mute spectators, which creates a doubt in the mind of the people. The image of the Police Department is to be protected in all circumstances. The majesty of the Uniformed Services has to be preserved. In the event of accepting any such freebies from the commercial establishments, the same will disrepute the Police Department and damage the image on the whole Department and also the Government. Thus, the higher officials are expected to conduct frequent inspections and monitor the functioning of the Police officials on duty in the fields.

8. Accepting freebies or Mamul from commercial establishments is a crime, and also misconduct. Thus, the illegal activities in this regard must not only be controlled, but to be dealt with iron hand. No leniency can be shown in respect of such illegalities prevailing amongst the Police officials



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and the higher authorities in this regard are duty bound to initiate all appropriate actions.

9. No doubt CCTV Cameras are being installed in many strategic places and in public places, but curiously, the method of accepting illegal gratification are also being changed by corrupt public officials. Whenever the technology improves for monitoring, the public officials, who have involved in corrupt activities are also adopting different other methods for committing such heinous crimes, illegal activities and corrupt practices. It is brought to the notice of this Court that even corrupt practices are now developed through Google accounts, Internet, by the public servants. Thus, the Police Department is expected to improve their investigative intelligence to curb the menace of corruption amongst public servants. Higher officials are bound to monitor the conduct, behaviour and attitude and the performance of the duties by the Uniformed Personnel and frequent inspections through intelligence is also of paramount importance. The menace of accepting freebies, bribes or mamul from traders and businessman and also from the commuters, who all are violating traffic, are to be monitored and actions are to be initiated swiftly. Yearly verification of



assets, details of the officials as per Rule is imminent.

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10. Due to frequent traffic congestions, the efficiency level in managing the traffic, more specifically, in urban areas are to be improved. Special teams are to be deployed in strategical places during peak hours to ensure traffic regulatory lapses are averted. Free flow of traffic being a right, is to be ensured in the interest of our great Nation. Lakhs and lakhs of people are travelling to their work places for trade purposes and many other purposes. Traffic congestions, delay in reaching the destination not only causes mental agony and in most circumstances, it affects the economy of our great Nation. Importance of public roads to be sensitized amongst the traffic police officials and other public officials as it contributes to the development. Thus, the Commissioner of Police has to create special teams in strategical places, so as to ensure that free flow of traffic is being maintained at all circumstances and the menace of corrupt activities amongst the public officials are also averted.

11. In respect of the location stated in the present writ petition at G.S.T. Road, no doubt, frequent traffic congestions are created at the



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instance of the traders and by the commuters, who all are indulging in parking the vehicles in an irregular manner. Thus, the police officials on duty must be sensitized and acceptance of any freebies or any other consideration would undermine the majesty and the authority of the Police Department and the powers conferred, which is of paramount importance for an orderly society.

12. In view of the facts and circumstances, this Court is inclined to pass the following orders:

(1) The 1st respondent / Commissioner of Police, is directed to constitute special squads for the purpose of effective and efficient controlling of traffic system in G.S.T Road and in strategical locations of other important roads in Greater Chennai.

(2) The Commissioner of Police is directed to initiate swift action in respect of the complaints or informations received against the public authority and Police officials regarding demand and acceptance of freebies, bribes, mamul or



any other extraneous considerations immediately.

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(3) The Commissioner of Police is directed to sensitize the traffic Police authorities in respect of the issues prevailing and ensure free flow of traffic, which would contribute for the development of our great Nation. Dereliction of duty, lapses, or negligence, must be viewed seriously.

(4) The second respondent / Municipality is directed to conduct inspections in commercial establishments and in the event of any violations of the provisions of the Municipalities Act, Rules or any other penal provisions or the Government orders, immediate actions are to be initiated against all such commercial establishments for such violations and prosecute those offenders. In the event of repeated violations or commission of offences, the Municipality is bound to reconsider the renewal of license or for cancellation of license granted to such traders in accordance with the Act and Rules.



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13. With the above directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

14. The respondents 1 and 2 are directed to initiate all further actions and report its compliance before this Court on 21.12.2021.

16.11.2021

Jeni/Kak

Internet : Yes

Index : Yes / No

Speaking order / Non Speaking order

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Egmore,
Chennai – 600 008.

2. The Commissioner,
Pallavaram Municipality,
Pallavaram,
Chennai – 600 044.

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