

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10 – 10 – 2001.

Coram:-

The Honourable Mr.

WAIT PETITION NO. 20757 OF 1993,

and W. M. P. Nos. 32493 and 32494 of 93.

The Indian Institute of Architects
Tamil Nadu Chapter,
Represented by its Chairman
K. Rajgopalan.

. . Petitioner.

Versus

1. The State of Tamil Nadu,
Represented by its Secretary to
Government, Housing and Urban
Development Department,
Fort St. George, Madras – 9
2. The Madras Metropolitan Development
Authority, represented by its
Member Secretary, Madras – 8

. . Respondents.

Mr. Mohan :- For petitioner

Mr. S.V. Duraisolaimalai, Govt., Advocate: - For R-1

Mr. V. Perumal :- For 2nd respondent.

ORDER

The Indian Institute of Architects of Tamil Nadu Chapter through its Chairman has filled the above writ petition to issue a writ of mandamus restraining the second respondent. The Madras Metropolitan Development Authority from demanding certificate and undertaking from Architects and from taking any action against Architects for alleged breaches of such certificates and undertakings or alleged building violations.

22. The responsibility of the Architect cannot extend to being accountable For the wrongdoing of the client unless there is evidence to show that there is collusion between the client and the architect. Though Rule 11 of the Development Control Rules requires that designs and plans should be countersigned by an architect, as rightly pointed out, it cannot be read to mean that the architect should play an ongoing supervisory role beyond the scope of his contract with a client to detect and report deviations to the 2nd respondent when they themselves maintain large inspection team to verify the ongoing construction in the city. I have already referred to the relevant Development Control Rules, 2 (a) (iii) as well as Annexure XIV, wherein admittedly, there is no reference to architects. Whether the building is being constructed on the basis of the sanctioned plan or not? Is the responsibility of the second respondent.

23. With the statutory provisions as it exist, the second respondent cannot compel the architect to furnish certificates and undertakings as claimed. If the second respondent is really serious about putting an end to violation of Development Control Rules, the proper course would be convene a meeting with all members of the petitioner Institute as well as others connected with the construction activities and take a decision after due deliberation and consultation with them. depending on the outcome of the decision so taken and after amendment of the relevant statutory Rules, it would be open to the Madras Metropolitan Development Authority to take necessary action against the individual or person concerned for violation of the building Rules. The petitioner Institute has made out a case for granting relief. accordingly, the Writ Petitioner is allowed. No cost connected W.M.Ps, are closed.

Index:-
R.B.

Sub Assistant Registrar
(Statictis / C.S.)
High Court, Madras – 600 104.

