



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 6163 of 2025

And WMP.Nos. 6772 and 6774 of 2025

A.Jai Ganesh

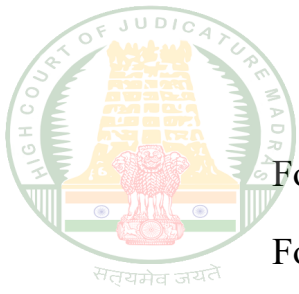
..Petitioner

Vs

1. The Commissioner
Mettupalayam Municipality, Coimbatore District
2. The Tahsildar
Mettupalayam Taluk, Coimbatore District
3. The Inspector Of Police
Mettupalayam Police Station, Coimbatore
District
4. Mohammad Ameer
5. Shanthi

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorari, calling for the records relating to the impugned order dated 07.02.2025 bearing Muu. Mu. No 3791 / 2024 / Aa3 on the file of the 2nd respondent and quash the same and pass orders.



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For Petitioner(s): PA.Sai Govindaraja

For Respondent(s): Mr. P. Srinivas, Standing Counsel – R1

Mr. C.Prabakaran, Govt. Counsel – R2 &
R3

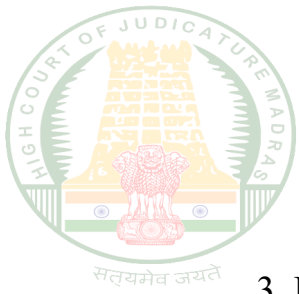
M/s. T.R. Gayathri

For M/s. Sarvabhavman Associates – R4 & R5

ORDER

The petitioner challenges the proceedings dated 07.02.2025 issued by the second respondent, whereby the first respondent was directed to demolish the subject property on the ground that it was in a dangerous and dilapidated condition and unfit for human habitation.

2. The petitioner claims to be a tenant in occupation of the premises bearing Door No.238, Annur Road, Mettupalayam, Coimbatore District. It is stated that the petitioner has instituted O.S. No.266 of 2016 on the file of the District Munsif Court, Mettupalayam, against the landlords seeking a decree of permanent injunction restraining them from interfering with his peaceful possession and enjoyment of the tenanted premises. According to the petitioner, at the instance of the private respondents, the second respondent passed the impugned proceedings directing demolition of the building.



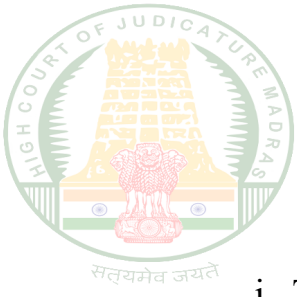
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3. Heard the learned counsel appearing for the parties and perused the materials placed on record.

4. Section 136 of the Tamil Nadu Urban Local Bodies Act, 1998 empower the Commissioner to order the removal of dangerous buildings. Where it appears to the Commissioner that any building is in a ruinous condition, dangerous, or otherwise unfit for human habitation, the Commissioner may, by an order in writing, require the owner or occupier to vacate, demolish, or remove the building within the time stipulated therein.

5. Admittedly, the subject property falls within the municipal limits of the first respondent Corporation. Therefore, the Commissioner of the first respondent Corporation is the competent authority to exercise powers under Section 136 of the Tamil Nadu Urban Local Bodies Act, 1998. The second respondent/Tahsildar has no jurisdiction to issue directions for demolition of the building. Consequently, the impugned proceedings dated 07.02.2025 is without jurisdiction and is liable to be set aside.

6. In the result, the impugned proceedings dated 07.02.2025 is set aside. The writ petition is allowed with the following directions;



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i. The 1st respondent is directed to conduct a spot inspection of the property occupied by the petitioner with the assistance of a structural engineer and in the presence of the petitioner and the 4th and 5th respondents.

ii. Upon inspection, if it is found that the subject property is in a dilapidated condition and not fit for human habitation, the Commissioner/1st respondent shall take suitable action under Section 136 of the Tamil Nadu Urban Local Bodies Act, 1998 and thereafter pass orders within two (2) weeks from the date of receipt of a copy of this order.

iii. Consequently, the connected miscellaneous petitions are closed. No costs.

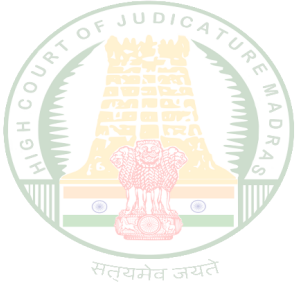
02-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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HEMANT CHANDANGOUDAR, J.

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