



W.P(MD)Nos.15550 & 19892 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.15550 & 19892 of 2026

and

W.M.P(MD)Nos.11652, 11654, 11655 & 14683 of 2026

1.W.P(MD)No.15550 of 2026:

- 1.P.Arumugam
- 2.S.Syed Ibrahim
- 3.G.Thambirajan
- 4.P.Balamurugan
- 5.A.Ranjith
- 6.V.Saravanan
- 7.S.Chidambaram
- 8.R.Muniyasamy
- 9.G.Viswanath Singh

... Petitioners

Vs

1.The Commissioner,
Thoothukudi Municipal Corporation, Thoothukudi.

2.The Executive Engineer (Planning),
Thoothukudi Municipal Corporation, Thoothukudi.

3.U.Meera Sahib

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings for the second respondent in Na.Ka.No.F1/2324/2025/Ki.Ma dated 11.02.2026 granting demolition permission in respect of the building comprised in T.S.Nos.689, 690, 691/2 and 691/3, Door Nos.34A, 34B, 34C, 34D, 34E, 34F, 34F/2 and 34H situated within the limits of the Thoothukudi Municipal Corporation and quash the same and consequently direct the respondents not to interfere with the petitioners' peaceful possession and enjoyment of their respective shop portions and not to dispossess the petitioners except by following due process of law.

For Petitioners : Mr.A.Mohamed Haneef

For Respondents : Mr.N.Anandha Kumar (R1 & R2)
Standing Counsel

: Mr.R.Niresh Kumar (R3)

2.W.P(MD)No.19892 of 2026:

- 1.U.Meera Sahib
- 2.U.Seyed Mariam
- 3.U.Sulaiha

... Petitioners

(Petitioners 1 to 3 are represented by their General
power of attorney agent,
Ahamed Sulaiman)



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Vs

1.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

2.The Executive Engineer (Projects/Planning),
East Zone, Thoothukudi Municipal Corporation,
Thoothukudi.

3.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

4.The Inspector of Police,
Central Police Station, Thoothukudi.

5.P.Arumugam
6.S.Syed Ibrahim
7.G.Thambirajan
8.P.Balamurugan
9.A.Ranjith
10.V.Saravanan
11.S.Chidambaram
12.R.Muniasamy
13.G.Viswanath Singh

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to implement and give effect to the demolition order and permit issued by the 2nd respondent in Na.Ka.No.F1/2324/2025/Ki.Ma dated 11.02.2026, in respect of the old and unsafe building consisting of 9 shops, namely 8 shops on the



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ground floor and 1 shop on the first floor, situated at Ward No.39, Town Survey Nos.689, 690, 691/2 and 691/3, bearing Nos.34A, 34B, 34C, 34D, 34E, 34F, 34F/2 and 34H, at the junction of 2nd Gate, Keela Ratha Veethi and Vadakka Ratha Veethi, Thoothukudi Corporation, and consequently direct the 3rd and 4th respondents to provide adequate police protection to the petitioners, their engineers, contractors and labourers for safely carrying out the demolition and removal of the said unsafe structure in accordance with law, within a time frame to be fixed by this Court.

For Petitioners : Mr.R.Niresh Kumar

For Respondents : Mr.N.Anandha Kumar (R1 & R2)
Standing Counsel

: Mr.R.Mohamed Riyaz (R3 & R4)
Government Advocate (Crl. Side)

COMMON ORDER

Since the issue involved in both the Writ Petitions arises out of the same proceedings and the parties are common, both the Writ Petitions are taken up together and are disposed of by this common order.

2.W.P.(MD) No.15550 of 2026 has been filed challenging the proceedings of the second respondent dated 11.02.2026 granting permission



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for demolition of the building situated within the limits of the Thoothukudi Municipal Corporation and consequently seeking a direction to the respondents not to interfere with the petitioners' peaceful possession and enjoyment of their respective shop portions and not to dispossess them except by following due process of law.

3.W.P.(MD) No.19892 of 2026 has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to implement and give effect to the demolition order and permission granted by the second respondent, dated 11.02.2026, in respect of the old and unsafe building consisting of nine shops and consequently directing respondents 3 and 4 to provide adequate police protection to the petitioners, their engineers, contractors and labourers for carrying out the demolition and removal of the said unsafe structure in accordance with law, within a time frame to be fixed by this Court.



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4.The petitioners in W.P.(MD) No.15550 of 2026 are tenants under the petitioners in W.P.(MD) No.19892 of 2026. For the sake of convenience, the parties are hereinafter referred to as "the tenants" and "the owners", respectively.

5.The learned counsel appearing for the tenants submitted that they have been in occupation of the respective shop portions for several decades under the owners and have been regularly paying rent without any default. According to him, the owners, with an intention to evict the tenants without resorting to due process of law, approached the first respondent/Municipal Commissioner seeking permission for demolition and reconstruction. It is his contention that the Municipal Commissioner, without proper application of mind, granted permission for demolition and reconstruction by proceedings dated 11.02.2026. Aggrieved by the said proceedings, the tenants have filed W.P.(MD) No.15550 of 2026.



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6.The learned counsel for the tenants further submitted that though the owners are entitled to seek permission for demolition and reconstruction, such permission can be granted only if there exists a genuine necessity for demolition. According to him, the building is structurally sound, the tenants have been carrying on their business therein for several decades and have been paying rent regularly. In such circumstances, the owners have invoked the provisions relating to demolition only as a device to evict the tenants without following the procedure contemplated under law. He further submitted that the owners had earlier attempted to evict the tenants by engaging anti-social elements, compelling the tenants to lodge complaints before the jurisdictional police, which are still pending. Hence, he prayed that the impugned proceedings be quashed.

7.Per contra, the learned counsel appearing for the owners submitted that the building is more than 90 years old and has become structurally weak and unsafe for occupation. If the tenants are permitted to

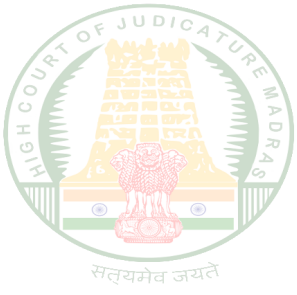


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continue in the premises, it would endanger not only their lives but also the lives of the customers visiting the premises. Therefore, demolition and reconstruction have become absolutely necessary. He further submitted that the owners, in discharge of their obligation to ensure public safety, submitted an application before the competent authority seeking permission for demolition and reconstruction. Pursuant to such application, the first respondent caused an inspection of the building through the competent engineers, who, upon technical evaluation, opined that the structure had become unsafe for occupation. Based on the expert opinion, the second respondent granted permission for demolition. It is his submission that this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot sit in appeal over the technical opinion rendered by the experts. Accordingly, he prayed for dismissal of W.P.(MD) No.15550 of 2026 and for appropriate directions in W.P.(MD) No.19892 of 2026.

8.Heard the learned counsel appearing on either side and perused the materials available on record.



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9.The admitted facts reveal that the petitioners in W.P.(MD)No. 15550 of 2026 are tenants under the petitioners in W.P.(MD) No.19892 of 2026. The owners have approached the competent authority seeking permission for demolition and reconstruction on the ground that the building, which is more than 90 years old, has become unsafe for occupation. Before granting permission, the competent authority caused an inspection of the building through its technical officials. Based on the report submitted by the engineers regarding the structural condition of the building, the second respondent granted permission for demolition by proceedings dated 11.02.2026.

10.This Court finds that the permission has been granted by the competent authority only after obtaining the opinion of the technical experts regarding the structural stability of the building. It is well settled that the opinion of qualified technical experts with regard to the safety and structural stability of a building cannot ordinarily be substituted by the opinion of this



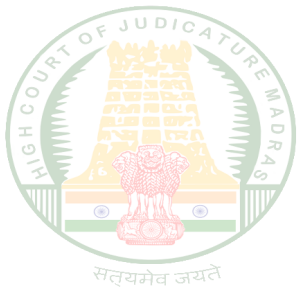
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Court while exercising jurisdiction under Article 226 of the Constitution of India, unless the decision-making process is shown to be arbitrary, mala fide or contrary to the statutory provisions. No such infirmity has been established by the tenants.

11.The apprehension expressed by the tenants that the owners are attempting to evict them under the guise of demolition cannot be a ground to interfere with the permission granted by the statutory authority, particularly when such permission is founded upon the opinion of competent technical experts. The rights, if any, available to the tenants under the relevant rent control laws or any other statutory provisions are always open to them to work out before the appropriate forum in the manner known to law. However, such rights cannot be enforced by preventing demolition of a building which has been found to be unsafe by the competent authority.

12.In view of the above, this Court finds no merit in W.P.(MD) No.15550 of 2026 and the same is liable to be dismissed.



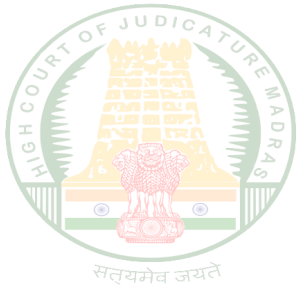
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13.Insofar as W.P.(MD) No.19892 of 2026 is concerned, since the permission for demolition has already been granted by the competent authority and the challenge to the same has failed, the respondents 1 and 2 are directed to implement the proceedings dated 11.02.2026 and permit the owners to carry out the demolition of the subject building in accordance with law. The respondents 3 and 4 shall extend necessary police protection, if required, for carrying out the demolition peacefully and without any law and order problem. The entire exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

14.Accordingly, W.P.(MD) No.15550 of 2026 stands dismissed. W.P.(MD) No.19892 of 2026 is disposed of with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No

Index : Yes / No

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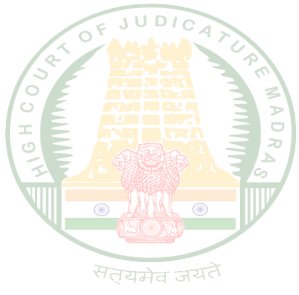
To

1.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

2.The Executive Engineer (Planning),
Thoothukudi Municipal Corporation,
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3.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

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M.DHANDAPANI, J.

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