

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.A. No.1258 of 2015 and M.P. No.1 of 2015

Moinuddin Sheriff

Appellant/Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Zonal Officer
Zone No.II, Division No.30
Corporation of Chennai
Chennai

3 The Divisional Engineer
Zone No.II, Corporation of Chennai
Chennai

Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
challenging the order dated 05.08.2015 passed in W.P. No. 16286 of
2015.

WP.No.16286/15: Writ Petition is filed praying to issue a writ of
Mandamus to the respondents to demolish the building situate at New
Door No.97 Old Door No.36 Godown Street, Chennai 600 001 at the same
ie.in a runinous state imminently dangerous to the imminently and
dangerous to the passersby and take suitable action under the
provisions of the Chennai City Municipal Corporation Act 1919.

For appellant

Mr. R. Parthasarathy

For respondents

Ms. Karthikaa Ashok
Standing Counsel

JUDGMENT
(made by K.K. SASIDHARAN, J.)

This intra-Court appeal is directed against the order dated 5 August 2015 in W.P. No.16286 of 2015 dismissing the writ petition filed by the appellant to direct the Commissioner, Corporation of Chennai, to demolish the building located at New No.97, Old Door No.36, Godown Street, Chennai 600 001, on account of its dangerous condition.

2 The learned counsel for the appellant submitted that the appellant is primarily aggrieved by the observations made by the learned Single Judge in the order dated 5 August 2015 with regard to the bona fides in filing the writ petition.

3 The learned Single Judge, having found that the appellant has already filed R.C.O.P. No.1820 of 2009 directing eviction of the tenants on the ground of demolition and reconstruction, rightly rejected the request to issue a mandamus to the Commissioner, Corporation of Chennai, to demolish the building. We do not find any error or illegality in the said order warranting interference in this intra-Court appeal.

4 We direct the XVI Small Causes Court, Chennai, to dispose of the pending proceedings in R.C.O.P. No.1820 of 2009 on merits and as per law, without, in any way, being influenced by the observations contained in the order dated 05.08.2015 in W.P. No.16286 of 2015.

5 This intra-Court appeal is disposed of with the above direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

cad

To

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

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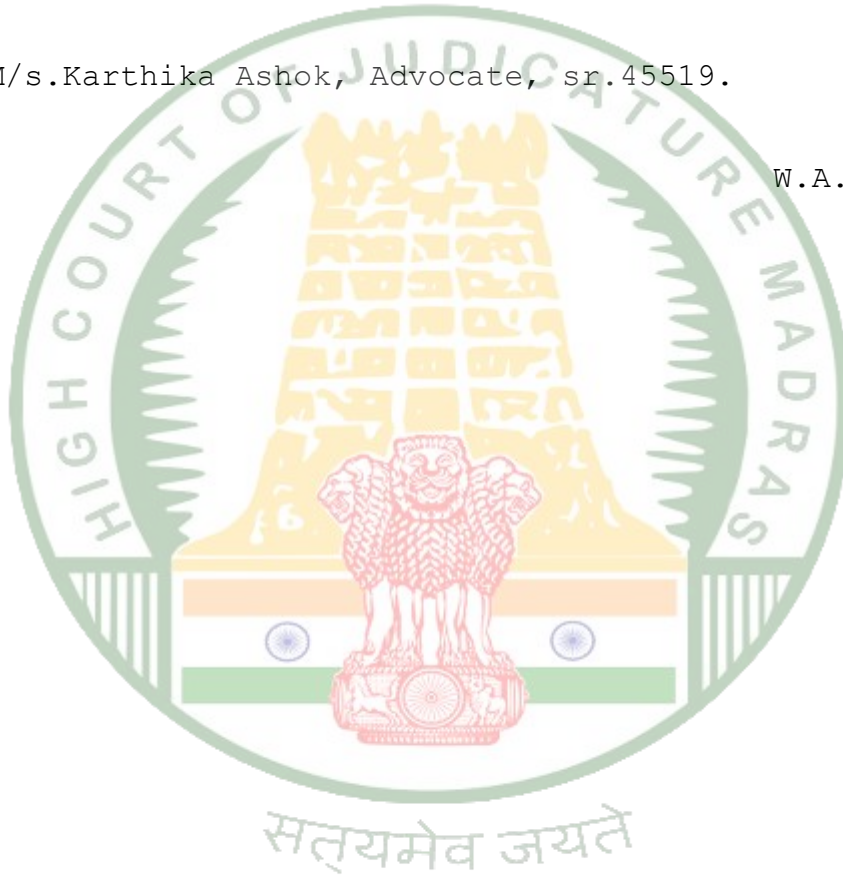
- 2 The Zonal Officer
Zone No.II, Division No.30
Corporation of Chennai
Chennai
- 3 The Divisional Engineer
Zone No.II, Corporation of Chennai
Chennai

Copy to
The XVI Small causes Judge
Small causes Court, High Court Campus,
Chennai.

+1 cc to M/s.Karthika Ashok, Advocate, sr.45519.

W.A. No.1258 of 2015

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