

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.3.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.20755 of 2014

N.Janakiraman alias Mohan Sai

... Petitioner

Vs.

1. Chief Executive Officer
Cantonment Board,
St.Thomas Mount, Chennai - 600 016

2. Mr.B.Mangilal
(impleaded as respondent by order
dated 05.3.2015 in MP.No.01 of 2014)

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus direct the respondent to take necessary steps under Section 320 of the Cantonment Act 2006 to remove or demolish the building at No.104 Butt Road (Bazaar Road), St. Thomas Mount, Chennai-600 016, for the safety of the life of the nearby occupants of the above said premises, in compliance to the notice issued by respondent dated 11.12.2013 under section 297 of the Cantonment Act 2006.

For Petitioner : Mr.R.Prabhakaran

For R1 : Mr.S.Gunasekaran
Government Advocate

O R D E R

Heard Mr.R.Prabhakaran, learned Senior counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the first respondent.

2. The petitioner is the owner of the building bearing D.No.104, Butt Road, (Bazaar Road), St.Thomas Mount, Chennai, which is admittedly a property falling within the jurisdiction of the Cantonment Board, St.Thomas Mount. The first respondent issued notice to the petitioner stating that the building is ruined and dilapidated condition and unfit for human habitation and nuisance to person passing by or dwelling or working in the neighbourhood and, therefore, directed the petitioner to remove or repair the building

immediately as required under Section 297 of Cantonment Act, 2006 and report compliance.

3. It is stated that the second respondent is a tenant in the said building. The petitioner would further state that he is ready to comply with the direction issued by the first respondent. Further, Eviction Petition has been filed by the mother of the petitioner in RCOP.No.189 of 1997 for eviction of the respondent tenant and the same is pending and miscellaneous petition to appoint Advocate Commissioner along with Civil Engineer to inspect and find out the condition of the building is also pending.

4. In the light of the above, impugned notice cannot be enforced as against the petitioner and accordingly the same is quashed. However, this order will not prevent the first respondent from proceeding against the second respondent in the manner known to law.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Executive Officer
Cantonment Board,
St.Thomas Mount, Chennai - 600 016

1 cc to Mr.R.Prabhakaran ,Advocate, SR.No.13819

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mp(co)
pmk.31.3.2015

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