

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10089 of 2015

and

M.P.Nos.1 & 2 of 2015

Prof.D.V.Solomon

.. Petitioner

- Vs -

1. The Junior Engineer,
Division - 122,
Corporation of Chennai - Zone IX,
K.B.Dasan Road, Teynampet,
Chennai - 600 018.
2. The Assistant Executive Engineer,
Unit - 26,
Corporation of Chennai - Zone IX,
K.B.Dasan Road, Teynampet,
Chennai - 600 018.
3. The Executive Engineer,
Corporation of Chennai - Zone IX,
K.B.Dasan Road, Teynampet,
Chennai - 600 018.
4. The Superintending Engineer,
Corporation of Chennai - Central Region,
2nd East Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.
5. The Regional Deputy Commissioner,
Corporation of Chennai - Central Region,
2nd East Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records of the respondents in Notice No.U-26/C.No.E1/003/2014 dated 07.01.2015 and quash the same.

Petitioner

: Mr.V.Govardhan
for Mr.K.Mahendran

For Respondents

: Mr.P.V.Selvakumar

For Intervenor

: (1) Mr.R.V.Babu
(2) Mr.S.Sathyannarayana

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner claims that he is a Professor in the esteem of Architectural Studies and conducting various training courses, seminars and guest lectures in the colleges through out the Country and he is also one of the Architect of "Residency Apartments" at Door No.49, K.B.Dasan Road, Alwarpet, Chennai - 18 and he is also residing in the ground floor of the said apartment. The petitioner would further state that in the third floor of the very same apartment, he is running a coaching centre for the students who have completed 12th standard and to his shock and surprise the respondents have issued the impugned notice dated 07.01.2015, calling upon all the occupants of the above said apartment to vacate for the reason that the building is in a very dilapidated condition and requires immediate demolition otherwise it may injure the residents and also other human beings. The petitioner aggrieved by the said impugned notice has filed this writ petition.

3. Mr.V.Govardhan, learned counsel appearing for the petitioner would submit that no doubt, the petitioner is a owner and residing in one of the flats and he is also running a coaching centre in the said premises and left in the middle of the academic year, the impugned notice came to be passed and he does not have any time to shift his residence nor the coaching centre and taking into consideration of the same, appropriate orders may be passed.

4. The learned standing counsel appearing for the respondents 1 to 5 would submit that inspection has already been carried out and based on the said inspection the premises requires immediate demolition, therefore the impugned notice dated 07.01.2015 came to be issued.

5. Mr.R.V.Babu and Mr.S.Sathyannarayana learned counsel appearing for the intervenors would also support the submissions of the learned standing counsel for the Corporation that the building is in a very dilapidated condition and requires immediate demolition.

6. This Court having considered the rival submissions and in the light of the stand taken by the Corporation of Chennai, this Court is of the view that the impugned order does not warrant any interference.

7. The respondents taking into consideration the dilapidated condition of the building has rightly issued notice under Section 258 of the Chennai City Municipal Corporation Act and according to the learned standing counsel for the Corporation further steps would be

taken in terms of the above said notice.

8. This Court on going through the materials placed before it is of the view that the writ petition deserves dismissal and accordingly the writ petition is dismissed granting liberty to the Chennai Corporation to proceed further in accordance with the impugned notice in accordance with law. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk

To

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1 cc to Mr.K.Mahendran ,Advocate, SR.No.19922/15

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ca(co)pmk.27.4.2015.