

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.20734 of 2015
& M.P.No.1 of 2015

V. Vijay Shankar

... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Chennai-3.
2. The Assistant Engineer
Corporation of Chennai
Corporation Unit Office
No.1, 8th East Street
Thiruvanmiyur
Chennai-41.

3. N. Ramesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing respondents 1 and 2 to pull down the building and dangerous and dilapidated structures in the premises in New Door No.34, Old Door No.12, Mahatma Gandhi Road, Shastri Nagar, Chennai-600 041 belonging to the third respondent.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.A. Nagarajan
for RR1 and 2

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J)

The petitioner is stated to be the adjacent owner of a dilapidated structure bearing Door No.34, Mahatma Gandhi Road, Sashtri Nagar, Chennai. The petitioner seeks a direction to the Corporation of Chennai to demolish the dilapidated structure as the same is a source of danger to the local people.

2. According to the petitioner, on the western side of his house there are two blocks of apartments constructed about forty years ago. The third respondent is stated to be the owner of the premises. The apartments are unoccupied for the last more than ten years. The building is in a highly dilapidated condition. The building is stated to be unsafe and its position is precarious. The petitioner submitted series of representations requesting the Chennai Corporation for demolishing the structure after notice. Failure on the part of the Chennai Corporation to take follow up action made the petitioner to file this writ petition.

3. When this writ petition was taken up for consideration, earlier this Court directed the Assistant Engineer, Division 181, Zone 13, to initiate action against the building in question.

4. The second respondent filed an affidavit dated 4 August 2015 indicating that the Corporation has already issued a demolition notice dated 3 August 2014 to the third respondent. Since the third respondent was not available, notice was pasted at the premises. According to the second respondent, notice was even issued earlier to the third respondent on 27 December 2014. However, there was no response from him.

5. This Court taking into account the submissions made on behalf of the parties, passed an order on 6 August 2015 to file an action taken report.

6. When the writ petition was taken up for consideration today, the learned Standing Counsel for Chennai Corporation on instructions submitted that the Corporation has already commenced the demolition work and it would be completed within a period of one week.

7. The learned counsel for the petitioner fairly submitted that the Corporation has already started the process of demolition.

8. The Commissioner, Corporation of Chennai is directed to complete the process of demolition of the building in question within a period of two weeks from today.

9. The writ petition is disposed of with the above direction. Consequently, the connected MP is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Commissioner
Corporation of Chennai
Chennai-3.
2. The Assistant Engineer
Corporation of Chennai
Corporation Unit Office
No.1, 8th East Street
Thiruvanmiyur
Chennai-41.

+1cc to Mr.L.ChandraKumar, Advocate, S.R.No.41787
+2cc's to Mr.A.Nagarajan, Advocate, S.R.No.40760 & 41828

W.P.No.20734 of 2015

BVR(CO)
CA(01/09/2015)

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