

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 31961 of 2015

V. Kanagasundaram

...Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.

2. The Regional Deputy Commissioner,
(North) (i/c),
Corporation of Chennai,
Zone -5, Chennai.

3. The Secretary,
Cosmopolitan Club,
63, Anna Salai,
Chennai - 600 002.

4. Mrs. Prem Bai

...Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus directing respondents 1
and 2 to consider the representation dated 25.08.2015 given by
the petitioner.

For Petitioner : Mr.N.S.Manoharan

For Respondents
1 and 2 : Mr.P.V. Selvakumar

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing respondents 1 and 2 to consider the representation dated 25.08.2015 given by the petitioner.

2. The petitioner is a member of the 3rd respondent Club and the 4th respondent is the owner of the building adjoining the Tennis Courts used by the members of the 3rd respondent Club. Since the building belonging to the 4th respondent is unoccupied and in a highly dilapidated condition, the 3rd respondent gave a complaint to respondents 1 and 2 regarding the ruinous condition of the said building, pursuant to which, respondents 1 and 2 inspected the building and on being satisfied about its condition, the 1st respondent issued a notice dated 27.11.2014 directing the 4th respondent to fence off, take down, secure or repair the dilapidated building as a preventive measure against the danger posed by the same. Since the 4th respondent failed to comply with the directions issued vide notice dated 27.11.2014, another notice dated 06.02.2015 was issued by the 1st respondent for demolition of the building. Aggrieved by the same, the 4th respondent preferred a writ petition before this Court in W.P. No. 5375 of 2015 challenging the notices dated 27.11.2014 and 06.02.2015 on the ground that the inspection of the building by respondents 1 and 2, preceding the notice dated 27.11.2014, was unilateral, without notice and in her absence. Therefore, this Court, by order dated 02.03.2015, disposed of the writ petition directing respondents 1 and 2 to conduct fresh inspection of the dilapidated building belonging to the 4th respondent, in the presence of the representative of the 3rd respondent club and the 4th respondent, after issuing notice to both parties, within a period of two weeks from the date of receipt of a copy of that order and thereafter, proceed in accordance with law. Since no action was taken by respondents 1 and 2, the petitioner sent a representation dated 25.08.2015 to respondents 1 and 2 to comply with the order passed by this Court in W.P. No. 5375 of 2015. However, neither the order of this Court was complied with nor the representation given by the petitioner was disposed of. Hence, the present writ petition for the aforesaid relief.

3. Heard Mr.N.S. Manoharan, learned counsel for the petitioner and Mr.P.V. Selvakumar, learned counsel for respondents 1 and 2. Since the petitioner is one of the members of the third respondent, no notice is necessary to R3.

4. Notice to the 4th respondent is dispensed with since this Court only intends to direct respondents 1 and 2 to conduct fresh inspection of the 4th respondent building after issuing notice to her and therefore, no prejudice is likely to be caused to the 4th respondent by passing such an order.

5. It is submitted by Mr.P.V. Selvakumar, learned counsel for respondents 1 and 2 that the officials of respondents 1 and 2, as per the order of this Court dated 02.03.2015 in W.P. No. 5375 of 2015, would conduct inspection within one week and take action accordingly.

6. In view of the above submission made by the learned counsel for respondents 1 and 2, respondents 1 and 2 shall, as per the earlier order passed by this Court in W.P. No. 5375 of 2015 dated 02.03.2015, after giving notice to the petitioner as well as to the 4th respondent, within a period of one week from the date of receipt of a copy of this order, conduct inspection of the building belonging to the 4th respondent, in the presence of the 4th respondent and the petitioner and thereafter, take appropriate action based on the inspection report within a period of two weeks. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.
2. The Regional Deputy Commissioner,
(North) (i/c),
Corporation of Chennai,
Zone -5, Chennai.

3. The Secretary,
Cosmopolitan Club,
63, Anna Salai,
Chennai - 600 002.

2 CCs to Mr.N.S.Manoharan, Advocate SR.No. 58522

1 CC to Mr.P.V. Selvakumar, Advocate SR.No. 58559

W.P. No. 31961 of 2015

PUR (CO)
PSI (30.10.2015)



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