

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.13722 of 2011

S.Krishnaraj

.. Petitioner

vs.

1. The Commissioner
Thiruppur Municipal Corporation
Thiruppur, Thiruppur District.

2. Ravi Subbian

3. S.Loganathan (Deceased)
Proprietor, Logu Paper Board and Stationery
Door No.114, Kumaran Road, Tirupur
(Impleaded as per order dated 12.8.2011
in M.P.No.2 of 2011)

4. Nirmala Devi

5. Yuvapriya

6. Poorani

7. L.Saravanan

.. Respondents

(Respondents 4 to 7 substituted in the place
of the deceased 3rd respondent vide order
dated 28.10.2015 in M.P.No.1 of 2015)

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the first respondent to take appropriate legal action under Section 327 of the Municipal Corporation Act, 1981 against dangerous structure situated in Door No.114/223, Kumaran Salai, Thiruppur, Thiruppur District, belonging to the second respondent in pursuant to the proceedings issued in Na.Ka.No.E1/4719/2010, dated 10.3.2010 by demolishing the above building.

For Petitioner

: Mr.R.N.Amarnath

For Respondents

: Mr.G.Sankaran
for 1st respondent

Mrs.Dakshayani Reddy
for 2nd respondent

Mr.B.Ravi Raja
for respondents 4 to 6

No appearance
for 7th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner claims that the building of his neighbour/second respondent is unsafe and has so been held by the Corporation and yet no action for demolition has been taken.

2. The tenant in the building got himself impleaded as the third respondent. He passed away and thereafter his legal heirs were impleaded as respondents 4 to 7.

3. In view of the passage of time, we consider it appropriate to direct the first respondent to get an inspection to be made of the property in question in the presence of the parties/their representatives, including the petitioner, the owner and the tenants, within a maximum period of one month from today. On the basis of the inspection, notices can be issued to all the parties concerned and thereafter a fresh order in accordance with law be passed within a maximum period of two months thereafter.

4. Any aggrieved party can thereafter assail the said order in accordance with law.

The petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 3 of 2011 are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Commissioner
Thiruppur Municipal Corporation
Thiruppur, Thiruppur District.

+1 cc to Mr.B.Raviraja,advocate,sr.66354

+1 cc to Mr.G.Sankaran,advocate,sr.66386

+1 cc to Govt.Pleader,sr.66724

rsy(co)
krd 29/11

W.P.No.13722 of 2011



WEB COPY