

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22050 of 2017,
WMP Nos.23102 and 24859 of 2017

A.Karuppiah

..Petitioner

Vs

1.The Commissioner of Corporation,
Chennai City Corporation, Chennai.

2.The Assistant Commissioner of Police,
Mambalam Range, T.Nagar,
Chennai-600 017.

3.The Inspector of Police,
Mambalam Police Station (Law and order)
Mambalam, Chennai.

4.M/s.The Chennai Silks,
Rep.by its Managing Director,
Usman Road, T Nagar,
Chennai.

5.P.A.Ravindran
The General Manager,
M/s. The Chennai Silks,
Usman Road, T Nagar,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 and 2

to take immediate action against the respondents 4 and 5 and stop the usage of Heavy Power demolishing machine instead of Concrete Cutting Machines adopting Sawing Techniques in removing the RCC Raft Mass Concrete of the M/s. The Chennai Silks situated in No.23, Usman Road, T Nagar, Chennai.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.T.C.Gopalakrishnan,
Standing Counsel for R1
Mr.R.Venkatesh, GA for R2 and R3
Mr.S.Ramesh for R4 and R5

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the 1st respondent viz., the Corporation of Chennai to ensure that the respondents 4 and 5 demolish the damaged building of M/s.The Chennai Silks at No.23, Usman Road, T.Nagar, Chennai and remove the RCC Raft Mass Concrete, by adopting the cutting technology and not by using Heavy Power demolishing machine.

2. According to the petitioner, he is running a Hotel adjacent to the 4th respondent's building and that pursuant to the order passed by the 1st respondent, the respondents 4 and 5 have engaged a

Contractor for demolishing the damaged building, which got damaged in the fire accident. It is the case of the petitioner that for removing the RCC Raft Mass Concrete of M/s.The Chennai Silks, the Contractor is using Heavy power demolishing machine instead of Concrete cutting Machines adopting Saw Techniques viz., Diamond Concrete Cutting Machines and Concrete Wall Sawing Technique Machines. Further, according to the petitioner, by using Heavy power demolishing machine, the respondents 4 and 5 are causing damage to the petitioner's building and if the work continues further, the petitioner would be put to irreparable loss and hardship.

3. On 15.08.2017, the petitioner obtained a letter from a cutting Contractor, by name M/s.P.K.Cutting Technology Private Limited, who assured that they would use Diamond Plunge Sawing System, which could go to a depth of 6 feet and that the concrete would be removed block by block each to a size of 2mx2m.

4. The respondents 4 and 5 also filed an affidavit before this Court, agreeing to engage a contractor identified by the writ petitioner, namely, M/s.P.K.Cutting Technology Private Limited No.7/264, Co-

operative Nagar, 60 Feet Main Road, Phase 2, Thiruverkadu, Chennai, for removal of RCC Raft Mass Concrete. According to the respondents 4 and 5, they have completed 90% of the demolition work and only 10% of the work remains incomplete and further, they have stated that the respondents 4 and 5 would complete the work within a period of 10 days.

5. The petitioner also filed an affidavit of undertaking, wherein, in paragraph No.7, he has stated that in the event of the respondents 4 and 5 engaging the said Contractor, namely, M/s.P.K.Cutting Technology Private Limited, to cut and remove the RCC Raft Mass Concrete laid in the premises of M/s.The Chennai Silks, by employing exclusively cutting technology and by removing the RCC Raft Mass Concrete in blocks, he will not make any complaint regarding any vibration, dust or noise pollution, in the course of cutting and removing the RCC Raft Mass Concrete and he will also not claim any damages or compensation on the ground that in the process of cutting and removing the RCC Raft Mass Concrete by the respondents 4 and 5, further damage caused to the building. The petitioner has given the undertaking without prejudice to the right to claim compensation as per

his legal notice dated 15.07.2017.

6. The affidavit of undertaking filed by the petitioner and the undertaking given by the respondents 4 and 5 in the affidavit filed today before this Court are taken on record.

7. In view of the undertaking given by the petitioner and the respondents 4 and 5, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2017

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To

1.The Commissioner of Corporation,
Chennai City Corporation, Chennai.

2.The Assistant Commissioner of Police,
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Chennai-600 017.

3.The Inspector of Police,
Mambalam Police Station (Law and order)
Mambalam, Chennai.

4.The Managing Director,
M/s.The Chennai Silks,
Usman Road, T Nagar,

Chennai.

M.DURAISWAMY, J.

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