

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.16661/2017

M/s.Emmanuel Telugut Baptist Church
rep.by C.H.Sundar Singh
Treasurer and Custodian [ABFMS]
No.179/84, Grantz Road, Perambur
Barracks, Chennai-12.

... Petitioner

Vs

1.The Commissioner
Corporation of Chennai
Rippon Building, Chennai-3.

2.The Chief Engineer
Corporation of Chennai
Rippon Building, Chennai-3.

3.The Assistant Engineer
Ward No.076, Zone VI
Corporation of Chennai, Pulianthope
Chennai-12.

4.G.Nayome
Headmistress, representing ABM Primary School
No.84, Gantz Road, Perambur Barracks
Chennai-12.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus seeking direction to consider the representation dated 05.06.2017 and 06.06.2017 to the 1st, 2nd and 3rd respondents as against the 4th respondent School.

For Petitioner : Mr.P.Sidharthan

For RR 1 to 3 : Mr.V.C.Selvasekaran

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.V.C.Selvasekaran, learned Standing Counsel accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims to be the Treasurer and Custodian of American Baptist Foreign Mission Society and it had assumed control and administration of Indian properties and the petitioner was also appointed as the property custodian and Entrustee of the said Society. The petitioner would further aver that in the property bearing Door No.84, Gruntz Road, Chennai-12, belonging to the said Missionary Society, which is in his custody, a school and a Church are located. It is further averred by the petitioner that the first floor of the building is occupied by Emmanuel Telugut Baptist Church and the same is being put to minimal use and a school with Standards 1 to 5 is also being run by the Government. The age of the building is more than 120 years old and it is in a dilapidated condition and it is likely to fall down at any moment. The petitioner, in this regard, has submitted a representation dated 06.06.2017 to the respondents 1 to 3, bringing to their knowledge, about the dilapidated condition of the building and requested them to take appropriate action and in spite of receipt and acknowledgment, so far no action has been taken and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has invited the attention of this Court to the photographs filed in the typed set of documents and would submit that the building is in a dilapidated condition and it is likely to fall down at any moment and in the light of monsoon season approaching, the respondents 1 to 3 may be directed to take immediate and appropriate action to prevent any catastrophe and prays for appropriate orders.

4 Per contra, Mr.V.C.Selvasekaran, learned Standing Counsel appearing for the respondents 1 to 3 would submit that appropriate and expeditious orders will be passed based on the representation submitted by the petitioner.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the contents of the representation as well as in this writ petition, directs the respondents 2 and 3 to take immediate and appropriate action on the representation dated 06.06.2017 submitted by the petitioner and after putting the 4th respondent on notice, shall pass orders on merits and in accordance with law as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.

7 The writ petition stands disposed of with the above direction. No costs.

8 Post on 28.08.2017 for reporting compliance.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Commissioner
Corporation of Chennai
Rippon Building, Chennai-3.
- 2.The Chief Engineer
Corporation of Chennai
Rippon Building, Chennai-3.
- 3.The Assistant Engineer
Ward No.076, Zone VI
Corporation of Chennai, Pulianthope
Chennai-12.

+1cc to M/S.P.Sidharthan, Advocate Sr.46122

WP.No.16661/2017

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