

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.35970 OF 2016
AND W.M.P.NO.30940 OF 2016

S.Ragu Bernard

... Petitioner

Versus

1.The Commissioner
Corporation of Chennai
Chennai.

2.The Executive Engineer, Zone - IX
Corporation of Chennai
Krishnamoorthy Road,
Erukkancherry,
Chennai - 600 118.

3.The Assistant Executive Engineer
Area No.36, Zone - IX,
Corporation of Chennai
Krishnamoorthy Road,
Erukkancherry,
Chennai - 600 118.

4.R.Jasindha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representation dated 11.01.2016 of the petitioner and demolish the dilapidated and dangerous building situated at Old Door No.5/1, New Door No.13, Thiru.Vi.Ka. Street, Erukkancherry, Chennai - 600 118.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondents :
1 to 3 Mr.P.V.Selvakumar

For Respondent 4: Mr.A.D.Janarthanan

O R D E R

The petitioner and the fourth respondent are close relatives. Both claims title to the property in question. The petitioner has made a representation inter alia alleging that the building in which the fourth respondent is also stated to be residing is in dilapidated condition and therefore, permission will have to be given for demolition. The fourth respondent has filed a suit against the petitioner, which is still pending consideration. Now, the petitioner has come forward to file this writ petition seeking direction to the respondent nos.1 to 3 to consider his representation dated 11.01.2016.

2. The learned counsel for the petitioner would submit that an inspection has already been made and therefore, the representation of the petitioner has to be disposed of.

3. The learned counsel for the fourth respondent would submit that the suit is still pending and respondent Nos.2 and 3 shall be asked to let off their hands till its completion.

4. This Court does not want to go into the inter se dispute between the parties. Similarly, the nature of the building and the necessity for demolition also is not an issue for this Court to go into, as the respondent nos.2 and 3 have to decide the issue, as the case may be.

5. Suffice it to direct the respondent nos.2 and 3, as the case may be, to pass appropriate orders on the representation of the petitioner dated 11.01.2016, within a period of six weeks from the date of receipt of a copy of this order, after putting the petitioner as well as the fourth respondent on notice and by passing a speaking order.

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

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

TK

To

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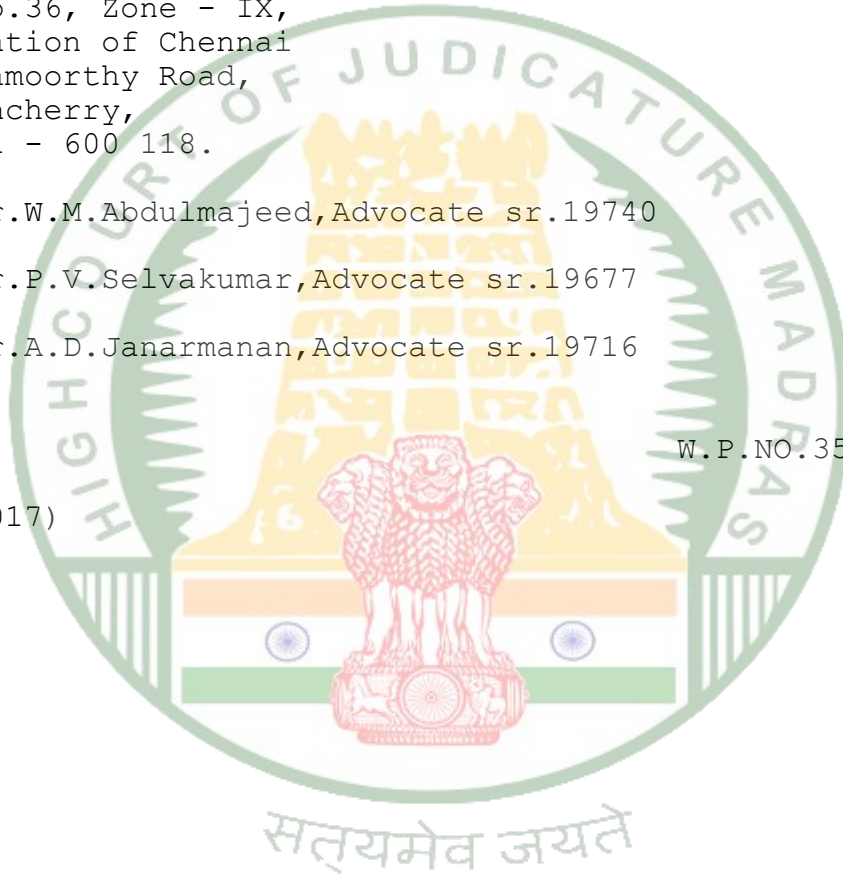
+1cc to Mr.W.M.Abdulmajeed,Advocate sr.19740

+1cc to Mr.P.V.Selvakumar,Advocate sr.19677

+1cc to Mr.A.D.Janarmanan,Advocate sr.19716

tm(co)
ss(12/4/2017)

W.P.NO.35970 OF 2016



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