



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.18351 of 2017

and

W.M.P (MD) No.14802 of 2017

Gejalakshmi

...Petitioner

Vs.

1.The District Collector,
Tiruchirapalli,
Tiruchirapalli District.

2.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli District,
Tiruchirapalli.

3.The Assistant Commissioner,
Sri Rangam Zone, Trichy City Corporation,
Tiruchirapalli District,
Tiruchirapalli.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings dated 13.09.2017 on the file of the third respondent herein and consequently directing the third respondent to consider and pass orders on the representation of the petitioner dated 19.09.2017 seeking three months time period to vacate the premises to the third respondent herein.

For Petitioner : Mr.S.T.Gopinnath

For Respondents : Mr.A.K.Baskarapandian,

Special Government Pleader for R1

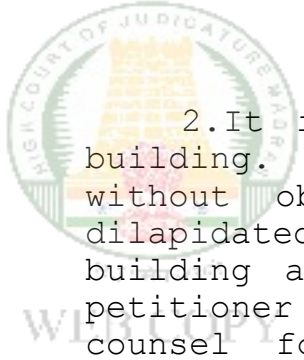
Mr.N.S.Karthikeyan,

Additional Government Pleader for R2 & R3

O R D E R

(Order of the Court was made by S.S.SUNDAR, J.)

The petitioner filed this writ petition challenging the impugned order dated 13.09.2017 passed by the third respondent and to direct the third respondent to consider and pass orders on the representation of petitioner dated 19.09.2017 seeking three months time to vacate the premises.



2.It is not in dispute that petitioner is the owner of the building. However, stating that the building had been constructed without obtaining permission and that the building is in a dilapidated condition so as to endanger the life of residents of the building and public, the impugned order is passed directing the petitioner to demolish the building within 7 days. The learned counsel for the petitioner stated that the petitioner seeks indulgence of this Court only to get time to demolish the building. Since the impugned order / notice is issued without observing the principles of natural justice, this Court is inclined to issue the following direction :

The third respondent is directed to maintain Status - Quo as on date for a period of three months. In case, the petitioner demolishes the building within a period of three months as it was requested by the petitioner, the respondent shall drop the proceedings. In case, it is not demolished by the petitioner within a period of three months, it is open to the respondents to take appropriate proceedings in accordance with law.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tiruchirapalli,
Tiruchirapalli District.
- 2.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli District,
Tiruchirapalli.
- 3.The Assistant Commissioner,
Sri Rangam Zone, Trichy City Corporation,
Tiruchirapalli District,
Tiruchirapalli.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 81359

+1cc to Mr.S.T.GOPINATH Advocate in SR. No. 81233

SKM/ARUL

JS/KP/SAR.2/5.10.2017/2P-6C

W.P(MD)No.18351 of 2017

and

W.M.P (MD)No.14802 of 2017

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