



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.03.2017
CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

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W.P.(MD) No.15422 of 2016

S.Paramasivan

... Petitioner

-vs-

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.
- 2.The Commissioner of Police,
Tirunelveli City, Tirunelveli,
Tirunelveli District.
- 3.The Inspector of Police,
(law & Order),
Tirunelveli Town Police Station,
Tirunelveli - 627 006.
- 4.Janab Anis Mohamed Salin,
144G, V.O.C. Street, Vaigai Ali Mukku,
Tirunelveli - 627 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the 2nd and 3rd Respondents to provide police protection to the Petitioner for demolishing the shops in Door No.144E to 144K situated in V.O.C. Street, Tirunelveli Town, Tirunelveli in compliance of the order passed by the 1st Respondent in Na.Ka.No.TP4-2134-2016 dated 14.06.2016.

For Petitioner : Mr.G.Prabhu Rajadurai
For 1st Respondent : Mr.Aayiram K.Selvakumar
For Respondents 2 & 3 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
For 4th Respondent : Mr.S.Palanivelayutham

ORDER

This writ petition has been filed by the petitioner for a mandamus, directing the 2nd and 3rd Respondents to provide police protection to the Petitioner for demolishing the shops in Door No.144E to 144K situated in V.O.C. Street, Tirunelveli Town, Tirunelveli in compliance of the order passed by the 1st Respondent in Na.Ka.No.TP4-2134-2016 dated 14.06.2016.

2.The petitioner is the owner of the shops in Door No.144E to 144K situated in V.O.C. Street, Tirunelveli Town, Tirunelveli, which is said to be in a dilapidated condition. Therefore, on the complaint made by one Baskar, the officials of the Corporation,



Tirunelveli inspected the building and found the same to be in a dilapidated condition and felt that it should be immediately demolished for public safety. Under such circumstances, The Commissioner of Corporation, Tirunelveli issued an order dated 14.06.2016, directing the petitioner to demolish the building upto the first floor, lest the Corporation should itself take up the work of demolition and recover the cost from the petitioner. The fourth respondent is said to be occupying the first floor. The fourth respondent filed W.P.(MD) No.13504 of 2016, challenging the order of the first respondent dated 14.06.2016 passed by the Corporation of Tirunelveli, but for the reasons best known to him, he withdrew the said writ petition.

3. According to the petitioner, he is being prevented from carrying on the demolition work and therefore, he has approached this Court for police protection.

4. Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner, Mr.Aayiram K.Selvakumar, learned Standing Counsel appearing for the 1st respondent, Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for the respondents 2 and 3 and Mr.S.Palanivelayutham, learned counsel appearing for the 4th respondent.

5. Mr.S.Palanivelayutham, learned counsel appearing for the 4th respondent contended that the 4th respondent is occupying the first floor and the demolition would cause serious prejudice to him and he sought to challenge the correctness of the order passed by the Corporation by contending that it is a colourable exercise of power.

6. In the considered opinion of this Court, since the 4th respondent filed W.P.(MD) No.13504 of 2016, challenging the order of the first respondent dated 14.06.2016 and withdrew it, in this writ petition seeking police protection, it is not open to the 4th respondent to challenge the validity of the said order. A perusal of the order passed by the first respondent shows that the Commissioner, Tirunelveli City Corporation has passed the order after the Corporation officials inspected the building. The photographs of the building produced before me speaks for itself.

7. Under such circumstances, the respondent police is directed to offer sufficient police bandobust to the petitioner for giving effect to the order dated 14.06.2016, passed by the Corporation of Tirunelveli for demolishing the Building. Accepting the submissions made by Mr.S.Palanivelayutham, learned counsel appearing for the petitioner, 30 days time from today is granted to the fourth respondent to take away his things from the said building. The demolition drive can be taken after 16.04.2017.



8.This Writ Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

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To

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.
- 2.The Commissioner of Police,
Tirunelveli City, Tirunelveli,
Tirunelveli District.
- 3.The Inspector of Police,
(law & Order),
Tirunelveli Town Police Station,
Tirunelveli - 627 006.

+1cc to M/s.AAYIRAM K.SELVAKUMAR, Advocate, in SR No.15593
+1cc to M/s.G.PRABHU RAJADURAI, Advocate, in SR No. 15701
+1cc to M/s.S.PALANIVELAYUTHAM, Advocate, in SR No.15688
+1cc to Special Government Pleader, Sr.No. 15529

SJ

AAM-CM MSA/SAR 3/27.03.2017 3P 8c

W.P.(MD) No.15422 of 2016
16.03.2017