

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.8058 of 2018

K.Kuppusamy

...Petitioner

Vs.

State rep by

1. Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
2. Assistant Commissioner / Zonal Officer,
Zone-5, Corporation of Chennai,
No.61, Basin Bridge Road,
Chennai - 600 021.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to issue demolition order to the building situated at No.21/8, Grace Garden, 3rd Street, Royapuram, Chennai based upon the petitioner's representation dated 20.03.2018.

For Petitioner : Mr.M.J.Sundar
For Respondents : Mr.T.C.Gopalakrishnan

ORDER

Mr.T.C.Gopalakrishnan, learned Standing Counsel takes notice on behalf of the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition itself is taken up for final hearing at the admission stage itself.

2. The prayer in the Writ Petition is for issuance of a Writ of Mandamus to direct the respondents to issue demolition order to the building situated at No.21/8, Grace Garden, 3rd Street, Royapuram, Chennai, based on the petitioner's representation, dated 20.03.2018.

3. According to the petitioner, his grandmother Kanniammal had purchased the said property measuring an extent of 1065 sq.ft. in the year 1949. Subsequently, she built a house thereon. The said building is now in a dilapidated condition and

hence, the petitioner gave an application to the respondents seeking permission to demolish the building. But no action was taken on the ground of pendency of O.P.No.6 of 2004.

4. The learned counsel for the petitioner submitted that the probate petition in O.P.No.6 of 2004 was converted into T.O.S.No.29 of 2005 and it was disposed of on 11.04.2017. Despite the same, the respondents have not passed any order. Hence, the present Writ Petition.

5. The learned Standing Counsel for the respondents submitted that the petitioner has to approach the 2nd respondent with proper application and if necessary charges are paid, the 2nd respondent is ready to consider the grievance of the petitioner.

6. In the light of the above submission, this Court, without going into the merits of the case, directs the petitioner to give an application to the 2nd respondent along with payment of necessary charges, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the 2nd respondent shall consider the application on merits and pass appropriate orders, within a period of twelve weeks therefrom, after providing an opportunity of hearing to the necessary parties.

7. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

pvs

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

2. The Assistant Commissioner / Zonal Officer,
Zone-5, Corporation of Chennai,
No.61, Basin Bridge Road,
Chennai - 600 021.

+ 1 cc to Mr.T.C.Gopalakrishnan Advocate,SR.25427
+ 1 cc to Mr.M.J.Sundar Advocate,SR.25483

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nr 27/04/2018