

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9545 of 2018

N.Sadhasivam

... Petitioner

vs.

1. The District Collector,
Tiruppur, Tiruppur District.
2. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.
3. The Assistant Commissioner,
Division No.4, Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.
4. M.Shanmugasundaram
5. S.Manimehalai ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent No.3 to take further action as against the 4th and 5th respondent dated 16.10.2017, vide proceedings in Na.Ka.No.E1/2178/2017, by considering representation dated 11.01.2018, 22.02.2018.

For Petitioner : M/s.K.Myilsamy

For Respondents : Mr.V.Shanmuga Sundar,

Spl.G.P. (for R1)

Mr.S.Silambanan, Senior Counsel
for Ms.P.Shanthi (for RR2 & 3)

ORDER

Mr.V.Shanmuga Sundar, the learned Special Government Pleader takes notice for the first respondent, Mr.S.Silambanan, learned Senior Counsel appearing for Ms.P.Shanthi, learned Standing Counsel takes notice for the respondents 2 and 3. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. The case of the petitioner is that a land measuring an extent of 2600 sq.ft. in Survey No.130 situated in Chinnasamy Gounder layout, at Tiruppur was absolutely belonging to him by virtue of partition deed dated 01.03.1996.

3. The petitioner would further state that the respondents 4 and 5 are husband and wife and they have owned a property in Survey No.134 and a building constructed therein

in the year 1963, is now in a dilapidated condition. The 3rd respondent had already issued a notice to the respondents 4 and 5 under Section 327 of the Tiruppur City Municipal Corporation Act, directing them to remove the superstructure. But no follow up action was taken.

4. The petitioner would further state that existence of the building is imminent to the passers-by and also to the neighbours. Hence, he sent representations dated 11.01.2018 and 22.01.2018, requesting the authorities to demolish the said building. Since no action was taken, the present Writ Petition.

5. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the third respondent to consider the representation of the petitioner.

6. The learned Senior Counsel for the respondent submitted that the third respondent would take appropriate action on the representation of the petitioner.

7. In the light of the above submissions of the learned counsels on either side and the prayer sought for in this Writ Petition, this Court without going into the merits of the case, directs the third respondent to pass appropriate orders on the representations of the petitioner, dated 11.01.2018 and 22.02.2018, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and the respondents 4 & 5, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Tiruppur, Tiruppur District.

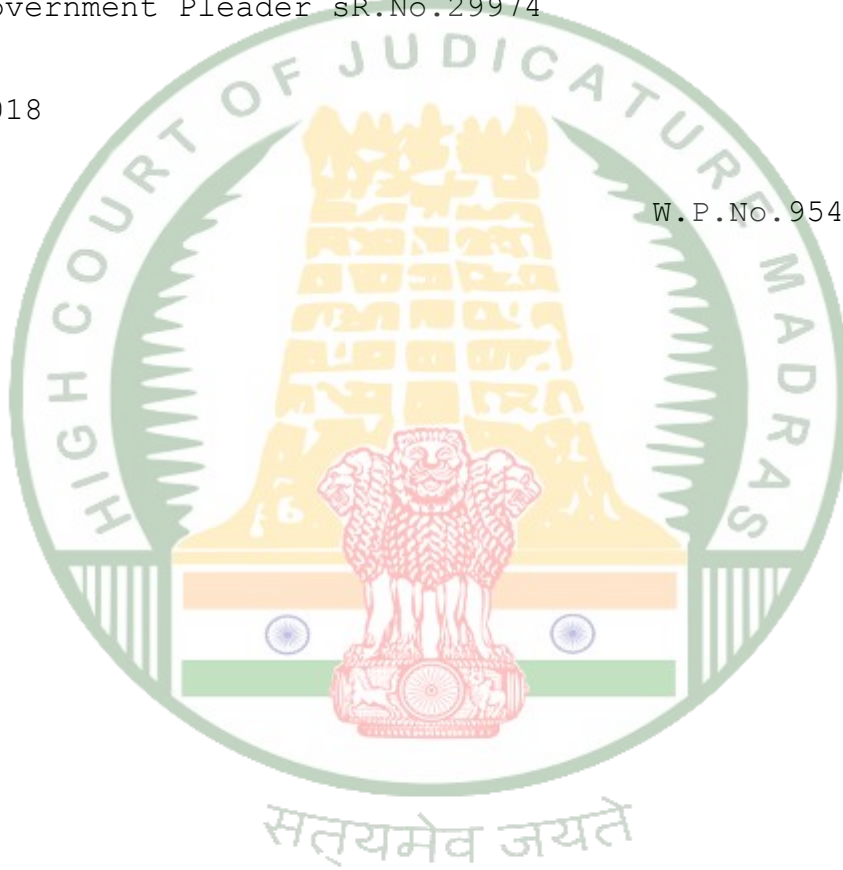
2. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.

3. The Assistant Commissioner,
Division No.4, Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.

+lcc to M/s.P.Shanthi, Advocate SR.No.29072
+lcc to Mr.K.Mayilsamy, Advocate SR.No.29534
+lcc to Government Pleader SR.No.29974

RK(CO)
sm:15.5.2018

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