

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.27860 of 2013

and

M.P.No.1 of 2013

All India Sadhu Sanga Maha Sabha,
Represented by its Honorary Secretary,
W.S.Mohan,
Old No.5/1, New No.69,
Nainiappa Naicken Street,
Park Town, Chennai - 600 003.

..Petitioner

(Petitioner name amended as per order of
this Court dated 14.3.2018 in W.M.P.No.7073 of 2018
in W.P.No.27860 of 2013)

Vs

1.The Collector of Chennai,
Singaravelar Maligai,
Rajaji Salai, Chennai - 600 001.

2.The Tahsildar,
Fort Tondiarpet Taluk,
Periamet, Chennai - 600 003.

3.The Commissioner,
Chennai Corporation,
Chennai - 600 003.

4.The Inspector of Police,
Flower Bazaar Police Station,
Chennai - 600 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, seeking issuance of writ of mandamus,
forbearing the respondents from interfering with the demolition
work now and construction thereafter at premises bearing Old
Door No.5/1, New Door No.69, Nainiappa Naicken Street, Park
Town, Chennai - 600 003.

For Petitioner : Mr.P.Rajamanickam

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader
for R1, R2 & R4
Mrs.Karthikaa Ashok for R3

O R D E R

The prayer sought for in this writ petition is for issuance of a writ of mandamus, forbearing the respondents from interfering with the demolition and reconstruction of the petitioner's building situated at Old Door No.5/1, New Door No.69, Nainiappa Naicken Street, Park Town, Chennai.

2. Heard Mr.P.Rajamanickam, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents 1, 2 and 4 and Mrs.Karthikaa Ashok, learned Counsel appearing for the third respondent.

3.The case of the petitioner - Sabha is that it is the owner of the property in dispute. Since the building is in dilapidated condition, the third respondent permitted the petitioner to demolish the building by an order dated 24.12.2005. Since the tenants have vacated, demolition work has been started in the month of June, 2013. While so, the respondents 1 and 2 gave objection for demolition of the building, hence the present writ petition.

4. The learned Standing counsel appearing for the third respondent submitted that based on the objections from the respondents 1 and 2, the third respondent stopped the demolition of the super structure. It is further submitted that permission granted for demolition has got expired and without obtaining fresh permission from the Corporation, the petitioner cannot proceed further for demolishing the building.

5. The learned counsel for the petitioner submitted that the petitioner had already got permission for demolition and they have to go for renewal of the permission. It is further

submitted that after getting permission from the Corporation, the petitioner would proceed with the demolition of the building.

6. Recording the submissions made by the learned counsels on either side, this writ petition is closed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ms

To

- 1.The Collector of Chennai,
Singaravelar Maligai,
Rajaji Salai,
Chennai - 600 001.
- 2.The Tahsildar,
Fort Tondiarpet Taluk,
Periamet, Chennai - 600 003.
- 3.The Commissioner,
Chennai Corporation,
Chennai - 600 003.
- 4.The Inspector of Police,
Flower Bazaar Police Station,
Chennai - 600 001.

+1cc to M/s.V.Manoharan, Advocate sr.no.29326
+1cc to Mrs.Karthikaa Ashok, Advocate sr.no.29102
+1cc to Government Pleader sr.no.29973

W.P No.27860 of 2013
and
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mp(co)
nr 22/05/2018