

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.6727 of 2018
and
W.M.P.No.8357 of 2018

Annamalai Arakatalai
Rep. by its President
Mr.Dhandapani

...Petitioner

Vs.

The Commissioner
Thiruvannamalai Municipality
Thiruvannamalai.

...Respondent

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for records on the file of the respondent in proceedings No.Nil, dated 2.3.2018 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.A.S.Thambuswamy

ORDER

Challenging the impugned order, dated 2.3.2018 directing the petitioner to demolish the building within three months from the date of proceedings, under Section 218(1.2) and 206 of the Tamil Nadu Municipalities Act 1920.

2. Pending writ petition, this Court, by order, dated 6.8.2018 appointed an Advocate Commissioner who filed a report before this Court, wherein it is stated that the disputed building is located in door No.274/57, Tiruvoodal street, Thiruvannamalai, there was a common wall between the petitioner's building and next building, which was collapsed on 2.2.2018, due to which 3 people were died and further submit that as per the

report of the Assistant Engineer, Northern side and East side are deteriorated and decayed and therefore, it is structurally unsafe and can be dismantled.

3. Pursuant to the said report filed by the Advocate Commissioner, the learned counsel appearing for the petitioner has filed an affidavit of undertaking, by stating that he undertakes to demolish the existing structure and reconstruct the building. The petitioner, President of the Trust appeared before this Court and undertakes that the said building will be demolished within a period of six months from today.

4. Recording the undertaking affidavit filed by the petitioner and the statement made by the petitioner in person before this Court, the petitioner is granted six months time from today, to demolish the said building. In the meantime, if any untoward incident happens, the petitioner is solely responsible for such incident. The undertaking affidavit shall form part of this order. Any default on the part of the petitioner, it is open to the respondent Municipality to proceed in accordance with the provisions of the District Municipalities Act.

The writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

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*Xerox Copy of Affidavit of undertaking enclosed herewith

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To
The Commissioner
Thiruvannamalai Municipality,
Thiruvannamalai.

+1cc to the Govt.Pleader, Vide Sr.No.23202

W.P.No.6727 of 2018
and W.M.P.No.8357 of 2018

Kak (04/04/2019)

Dated: 6.3.2019



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