



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.04.2019**

**CORAM**

**THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM**

**and**

**THE HONOURABLE MRS. JUSTICE R. THARANI**

**W.A. (MD) .No.132 of 2019**

**and**

**C.M.P. (MD) .Nos.1026 and 3246 of 2019**

**against WP(MD) NO 25171 of 2018**

**S.K.Radhakrishnan**

**... Appellant/Petitioner**

**Vs.**

1. The District Revenue Officer,  
Collectorate,  
Korampallam,  
Tuticorin District.

2. The Revenue Divisional Officer,  
Tuticorin District,  
Tuticorin.

3. Regibert Fernando

4. Greated Vilvarayi

5. Kumaresan

6. Nithyanandam @ Saravanan

**... Respondents/Respondents**

**Prayer:-** Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court in W.P.(MD).No.25171 of 2018, dated 02.01.2019.

**Prayer in WP(MD). 25171/ 2018 :**

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent to consider the petitioner's representation dated 13.12.2018 demanding staying the execution of the order passed by the 2nd Respondent dated 30.11.2018 in so far as the petitioner is concerned and to grant the time of three months for establishing the Petitioner's right to express the non existence of any necessity for the building at Door No.200, North Car Street, Tiruchendur, Tuticorin District from being demolished and pass orders with the time stipulated by this Court.

For Appellant : Mr.M.Saravanan

For R1 & R2 : Mr.V.R.Shanmuganathan  
Special Government Pleader

For R3 & R4 : Mr.M.Vallinayagam, Senior counsel  
for Mr.M.Gnana Gurnathan

**J U D G M E N T**

(Judgment of the Court was delivered by **K.KALYANASUNDARAM, J.**)

This writ appeal is directed against the order of the learned single Judge passed in W.P.(MD).No.25171 of 2018, dated 02.01.2019.

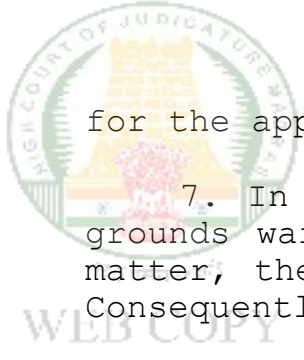
2. The writ petitioner is the appellant. The order of the second respondent dated 30.11.2018, passed under Section 133 of the Code of Criminal Procedure was put to challenge by the appellant on the ground that it was passed in violation of principles of natural justice.

3. Mr.M.Saravanan, learned counsel for the appellant would argue that the respondents 3 and 4 are the owners of the property bearing Door No.200, North Car Street in Tiruchendur and the appellant is a tenant under them. When the building is in a good condition, the landlords approached the second respondent to demolish the building on the ground that it is in a dilapidated condition. The second respondent, based on the report of the Executive Engineer, Public Works Department, Tuticorin, had passed the order without issuing notice to the appellant. It is the contention of the learned counsel that the inspection should have been conducted in the presence of the appellant.

4. Per contra, Mr.D.Vallinayagam, learned Senior counsel for the respondents 3 and 4 would state that the order impugned in the writ petition was only a notice and they were also directed to appear for enquiry on 07.12.2018, in accordance with the relevant section. According to the learned Senior counsel, the grievance addressed by the appellant was answered by the learned single Judge by directing the second respondent to pass orders afresh, after hearing the petitioner and therefore this appeal is not maintainable.

5. A perusal of the records would reveal that on 01.10.2018, the respondents 3 and 4 gave a representation to the Revenue Divisional Officer, Tiruchendur to demolish the building on the ground that it was in a dangerous condition. The Revenue Divisional Officer directed the Executive Engineer, Public Works Department, Tuticorin, to submit a report. On the basis of the report, he passed the order, dated 30.11.2018.

6. The learned single Judge, after going through the report of the Executive Engineer, Public Works Department, Tuticorin and seeing the photographs of the building, came to the conclusion that the building is in a dilapidated condition. While considering the grievance expressed by the petitioner, the learned single Judge directed the second respondent to give an opportunity to the appellant before taking further steps. The photographs annexed in the typed set also shows that the building is in a bad condition. Hence, we find no substance in the contention of the learned counsel



for the appellant.

7. In our considered view, the appellant has not made out any grounds warranting interference of this Court. In that view of the matter, the writ appeal fails and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (cs-II)

// True Copy //

Sub Assistant Registrar(CS- )

To

1. The District Revenue Officer,  
Collectorate,  
Korampallam,  
Tuticorin District.
2. The Revenue Divisional Officer,  
Tuticorin District,  
Tuticorin.

+1cc to Mr.M.Gnana Gurunathan,Advocate, SR.No.58260  
+1cc to Mr.R.Subramanian,Advocate, SR.No.58170  
+1cc to Special Government Pleader, SR.No.58353

W.A. (MD) .No.132 of 2019  
01.04.2019

SP/02.05.2019/ 3P/6C