



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.3021 of 2020

and

W.M.P. (MD) .Nos.2551 and 2552 of 2020

S.B.Selvam

.. Petitioner

Vs.

1.The Commissioner,
Nagercoil Corporation,
Nagercoil,
Kanyakumari District.

2.The Trustees,
Kottar Ezhavar Samudhaya Vagai,
Arumugaperumal Pillaiyar Swamy Trust,
(Belongs to 52 families),
Kottar, Nagercoil.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned notice, dated 02.01.2020 issued by the first respondent in Na.Ka.No.3/2017/F1 and quash the same.

For Petitioner : Mr.M.P.Senthil
For Respondent No.1 : Mr.Aathimoola Pandian

ORDER

The writ petitioner is challenging the order issued to the Trust, who is the second respondent, by the first respondent calling upon them to demolish the building, which is in a very dilapidated condition under Sections 327, 441 and 472 of the Nagercoil Corporation Act, 2019.

2. The petitioner herein is a tenant in the second respondent's premises. The notice was issued only in favour of the owner of the premises. The only grievance of the petitioner is that he is a tenant and there are two other tenants under the second respondent and if they are disturbed from their possession, it is detrimental to their business. The second respondent/Trust itself has issued a notice on 13.01.2020 calling upon the tenants to vacate the premises. In fact, the petitioner himself has admitted in his



letter, dated 17.01.2020 that the tenants have got no right to do any action against the impugned notice and it is only for the owner of the properties, who can take any action. When the owner of the building itself has obeyed the orders of the Corporation and issued a notice directing the tenants to vacate the premises, the tenants like that of the petitioner cannot disturb the action of the first respondent by filing this kind of writ petition. The building which is the subject matter of this Writ Petition, is a very old building and it is a tiled house which is in a dilapidated condition, not only causes danger to the life of the occupants but also causes danger to the passers-by, if it collapses and falls down on its own.

3. Therefore, the petitioner cannot be shown any indulgence and as such, the writ petition is dismissed as not maintainable. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

The Commissioner,
Nagercoil Corporation,
Nagercoil,
Kanyakumari District.

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-6773[F] dated 18/02/2020)

ORDER MADE IN
W.P. (MD) .No.3021 of 2020
17.02.2020

VB(28.02.2020) 2P 3C