

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11617 of 2013

and

M.P.No.1 of 2013

T.R.K.Saravanan ... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 008.

2.The Zonal Officer (Division No.102),
Zone VII, Valluvar Kottam,
Nungambakkam High Road,
Chennai - 600 034.

3.Pakkirisamy

4.M.Viswanathan Chetty

5.M/s.Ganesh Video,
Prop.E.Ravichandran,
No.135, A.P.Road, Choolai,
Chennai - 600 112.

(R3 to R5 impleaded vide order dated
06.11.2017 made in M.P.No.1 of 2013) Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 1st respondent to pass appropriate orders on petitioner's representations dated 16.03.2011 and 21.12.2012 respectively in accordance with law.

For Petitioner : Mr.G.Sugumaran

For Respondents: Mr.K.Raja Shrinivasan
for R1 & R2

O R D E R

The writ petition has been filed for a mandamus directing the first respondent to pass appropriate orders on the petitioner's representations dated 16.03.2011 and 21.12.2012 respectively.

2.It is the case of the petitioner, that the Petitioner's property is a sole property and which was in dangerous condition and was endangering the public and the tenants who were residing there. The tenants were impleaded as a party in the writ petition.

3.The learned counsel for the petitioner submits that the tenants have vacated the property. It has to be demolished. The petitioner has now filed a notice dated 23.02.2021 issued by the Regional Deputy Commissioner, (North) which was issued under Section 258 of the Chennai City Municipal Corporation Act IV of 1919. The said notice which reads as under:-

Whereas the structure/building at Dorr No.135, Avadhanam Pappaier Road, Choolai, Chennai - 600 112 is deemed to be in ruinous state/dangerous condition endangering the occupiers/passersby public.

Whereas, you being the Owner/Occupier of the aforesaid building, require to fence off, take down, secure, repair or demolish the aforesaid structure to prevent from any danger within a period of 15 days from the date of receipt of this notice.

Whereas, failed to do so, the undersigned will fence off, take down, secure, repair or demolish the aforesaid structure or take such a nature of temporary measures whichever is fit for preventing any danger in the interest of public.

Whereas the cost of doing so shall be recoverable from the Owner/Occupier as per provision of Section 387 of MCMC Act IV of 1919 and / or other relevant statutory provisions.

4.In view of the above, nothing survives for adjudication in the present writ petition. Accordingly, this writ petition stands disposed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

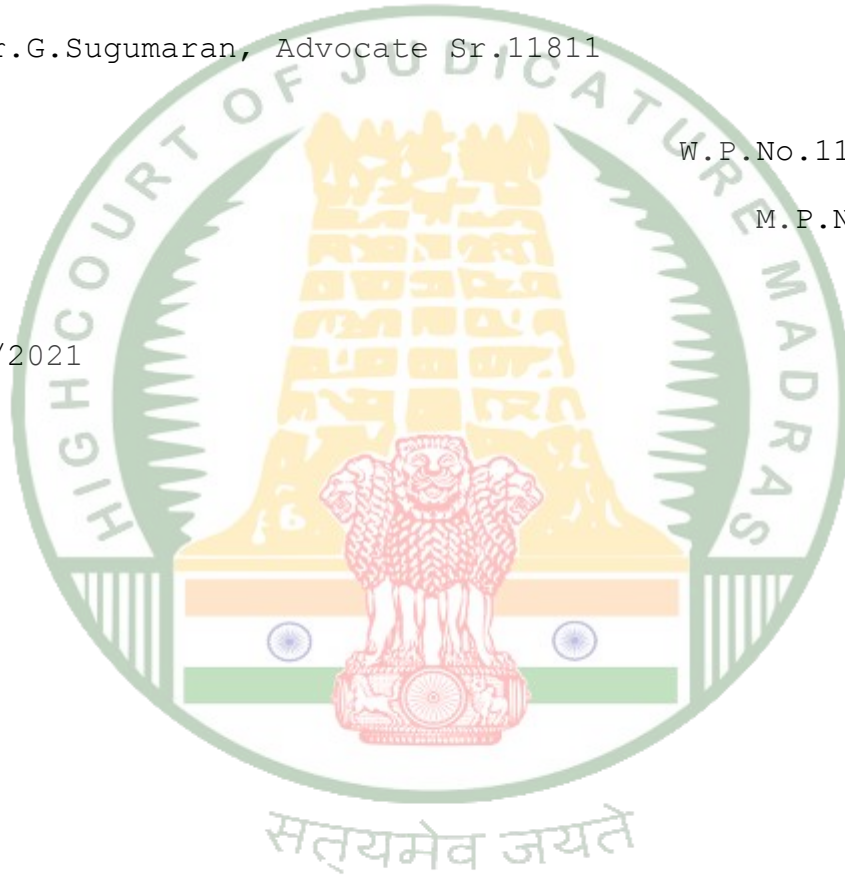
1.The Commissioner,
Corporation of Chennai,
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+1cc to Mr.G.Sugumaran, Advocate Sr.11811

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