



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.21622 OF 2021

Ayesha Begum

...Petitioner

-Vs-

1. The Commissioner
Chennai City Corporation
Rippon Buildings, Chennai.
2. The Deputy Regional Commissioner
Zone-5, Royapuram
Chennai City Corporation
Old Washermanpet,
Chennai 600 021.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner representation dated 13.03.2021 relating to the removal of dangerous Building lying at old door no. 1/2 New door no.2 Pannaikara Andiappan Street Seven Wells George Town Chennai 600001 comprised in survey no. 1527/1 SRO Tondiarpet Taluk concluding the procedure laid down under the section 258 of the Chennai City Corporation Act 1919 within any reasonable period of time as stipulated by this Honourable Court.

For Petitioner : Mr.R.Venkatesan

For Respondents : Ms.P.T.Ramadevi,
Standing Counsel



O R D E R

This writ petition was filed for the issue of a writ of Mandamus directing the respondent Corporation to consider the representation made by the petitioner on 13.03.2021 wherein the petitioner has given her consent for the demolition of the subject property.

2. When the matter was taken up for admission on 05.10.2021, this Court directed the learned Standing Counsel to take instructions and report before this Court. Such a direction was given since it was seen from records that a notice was already issued by the respondent Corporation under Section 258 of the Chennai City Municipal Corporation Act, 1919 directing the petitioner to demolish the structure which is in a dilapidated condition and on failure to do so, the demolition will be made by the Corporation after collecting the necessary charges from the petitioner. The petitioner on receipt of the notice, had also consented for the demolition of the building by the Corporation.

3. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondent Corporation submitted that the petitioner had merely sent a representation after the notice was issued to her without any relevant documents to show her ownership in the property. The learned Standing Counsel submitted that if the petitioner furnishes the necessary documents and prove her right over the property, her representation will be considered and the respondent Corporation will proceed further to demolish the building and collect the necessary charges from the petitioner.

4. In reply to the said submission, the learned counsel for the petitioner submitted that the relevant documents will be furnished to the second respondent within the time stipulated by this Court and thereafter the respondents can proceed to demolish the building and the petitioner will pay the necessary charges demanded by the respondents.

5. Taking into consideration the facts and circumstances of the case and the specific stand taken on either side, there shall be a direction to the petitioner to make a fresh representation to the second respondent along with all the



relevant documents to show her ownership over the property. Immediately on receipt of the same, the second respondent can take a decision and on being satisfied with the ownership of the property, the second respondent shall proceed to demolish the property after collecting necessary charges from the petitioner. This process shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

KST

To

1. The Commissioner
Chennai City Corporation
Rippon Buildings, Chennai.
2. The Deputy Regional Commissioner
Zone-5, Royapuram
Chennai City Corporation
Old Washermanpet,
Chennai 600 021.

+1cc to Mr.R.Venkatesan, Advocate, S.R.No.53832

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.53801

W.P.No.21622 of 2021

SS(CO)
RLP(11/11/2021)