



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.19807 of 2021

S.Geetha

...Petitioner

-Vs-

1.The Commissioner
Corporation of Coimbatore
Coimbatore.

2.The Assistant Commissioner
Corporation of Coimbatore
Coimbatore.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the entire records of the 2nd respondent in connection with the impugned order of demolition in Na.Ka.No.5115/2020/H1/C dated 21.01.2021 and quash the same as arbitrary and unreasonable.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.K.Magesh, Standing Counsel

O R D E R

This writ petition was filed challenging the impugned demolition notice issued by the second respondent dated 21.01.2021.

2. When the matter was taken up for admission on 17.09.2021, this Court directed the learned Standing Counsel appearing on behalf of the Coimbatore Corporation to take instructions and also file the necessary certificate of structural soundness in order enable this Court to take a decision in this writ petition.

3. When the matter was taken up for hearing today, the learned Standing Counsel placed reliance upon the relevant form and also the certificate of structural soundness and submitted that the building in question is not structurally sound to be used as a public building.



4. In view of the above development, this Court is of the considered opinion that there is no illegality in the respondent Corporation issuing the impugned demolition notice. The learned counsel for the petitioner submitted that taking into consideration the structural soundness certificate and the dilapidated condition that is pointed out in the certificate, the petitioner herself will take steps to demolish the building. In the alternative, the Corporation can also demolish the building and the petitioner is willing to pay the necessary charges for the same.

5. This Court is not inclined to interfere with the impugned notice issued by the second respondent. In view of the categorical stand taken by the petitioner, it is left open to the petitioner to demolish the structure or in the alternative, the petitioner is also permitted to make a representation to the respondent Corporation requesting for the demolition of the structure on payment of the necessary charges. In any case, the petitioner has to complete this process within a period of four 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 (CCC)

// True Copy //

Sub Assistant Registrar

KST

To

1.The Commissioner
Corporation of Coimbatore
Coimbatore.

2.The Assistant Commissioner
Corporation of Coimbatore
Coimbatore.

+1cc to Mr.K.Balasubramanian, Advocate SR.No.54066

+1cc to Mr.K.Magesh, Advocate SR.No.53865

W.P.No.19807 of 2021

SS(CO)
RVM(10/11/2021)