



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 24518 of 2021 and
W.M.P. No. 25831 of 2021

Reginah Begum

...Petitioner

-vs-

1.The Commissioner
Corporation of Greater Chennai
Ripon Building, Chennai - 600 003.

2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation, Zone - 5,
Royapuram, Chennai - 13.

3.The Commissioner of Police,
Vepery, Chennai - 7.

4.The Inspector of Police (L & O)
B-1, Police Station, Rajaji Salai,
Chennai - 1.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to take all expeditious actions for demolition of the property at New No.203, Old No.98, Linghi Chetty Street, George Town, Chennai - 1, in pursuance of the representations of the petitioner dated 13.07.2021 and 10.07.2021.

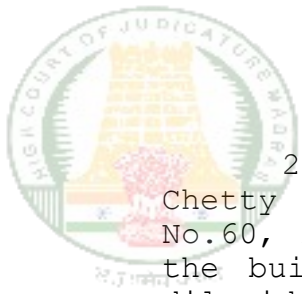
For Petitioner : Mr.N.Manikandan

For Respondents : Ms.Akila Rajendran
Government Advocate (R3 and R4)
Ms.P.T.Ramadevi
Standing Counsel (R1 and R2)

O R D E R

The prayer sought for herein is for writ of mandamus to direct the respondents to take all expeditious actions for demolition of the property at New No.203, Old No.98, Linghi Chetty Street, George Town, Chennai - 1, in pursuance of the representations of the petitioner dated 13.07.2021 and

10.07.2021



2. That the building bearing No.203, old No.98, Linghi Chetty Street, George Town, Chennai - 600 001 , at division No.60, is claimed to be the building of the petitioner. Since the building in question is a very old one, it has become dilapidated condition and at any time, the building may collapse. Therefore, it is endangering to the public or passers-by who are going nearby the building.

3. Initially, there were number of tenants occupying the building and after best effort made by the petitioner as claimed by her that the tenants vacated the premises on 11.12.2019. The respondent police also after inspection, locked the building, as using of the said building would be endangering the inmates as well as the passers-by.

4. However, subsequent to that, some of the old tenants, with the help of some miscreants or anti-social elements managed to break open the lock and entered into the premises and they seems to have been in illegal occupation of the building.

5. In this context, eventhough the petitioner has been constantly making efforts to get the permission of the respondent Corporation to demolish the building that could not be materialised for various reasons.

6. When that being so, on 21.05.2021 the respondent Corporation, by invoking Section 258 of Chennai City Municipal Corporation Act, 1919 (in short the Act) has issued a notice, warning the petitioner to immediately take steps to either fence off, secure, repair or demolish the structure endangering the inmates as well as passers-by.

7. After the said notice of the Section 258 of the Act, the petitioner has given a representation on 10.07.2021 to the Police authorities to take action, but that has not yielded any desired result. Also on 13.07.2021, the petitioner has given a representation to the Regional Deputy Commissioner of the Chennai Corporation / respondent herein to demolish the said building. However, according to the petitioner, neither the Corporation came forward to demolish the building on their own nor permitted the petitioner to do the same with the help of the Corporation as well as the Police Authorities for security and other reasons.

8. Therefore in order to get such a supporting gesture to be extended by both Authorities viz., the Chennai Corporation as well as the local Police, the petitioner has approached this Court seeking for a writ of mandamus as prayed for herein.

9. Heard the learned counsel for the petitioner, who on instructions would submit that, the petitioner is ready and willing to take action to demolish the building provided the



help of Police as well as the corporation should be extended to the petitioner as some of the miscreants may prevent or thwart the attempt of the petitioner to demolish the building.

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10. Ms.P.T.Ramadevi, learned Standing counsel, takes notice on behalf of the Chennai Corporation and has submitted that, since already Section 258 notice was issued to demolish the building or to secure the building, if the petitioner comes forward to demolish the same on her own, certainly whatever help to be rendered for the petitioner in accordance with law from the Corporation side would be rendered and in this regard, a request also would be given to the third and fourth respondents to give Police protection at the time of demolition, in this regard, all precautionary measures would be taken for a smooth demolition of the said building.

11. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for third and fourth respondents who also submits that, in order to demolish the said building for the purpose of protecting the public from any such endanger if the building collapses, certainly the Police also would co-operate and whatever adequate protection required to be extended to the Corporation people as well as the petitioner for the demolition of the building concerned would be extended.

12. Having considered the said submissions made by the learned counsel appearing for the parties and after having gone through the materials before this Court, I am of the view that, since the building is in a dilapidated condition and there are no inmates like tenants occupying, in the eye of law, except miscreants as reported by the petitioner's counsel and already there has been a notice issued by the Chennai Corporation under Section 258 of the Act, the request of the petitioner to permit him to demolish the building in question can be accepted by the respondent Corporation, for which, whatever the necessary precautions to be taken on behalf of the Corporation can be taken and in this respect, the necessary protection required from the third and fourth respondents can also be obtained.

13. In the result, this writ petition is disposed of with the following order:

(i) That there shall be a direction to the respondent Corporation to consider the representation of the petitioner dated 13.07.2021 along with a notice issued by the Corporation under Section 258 of CCMC Act dated 21.05.2021 and accordingly take necessary steps to give permission to the petitioner and also extend the co-operation by the corporation with the Police protection to be rendered by the third and fourth respondents, for the purpose of demolition of the building concerned strictly in accordance with law.



(ii) It is made clear that, once the decision to demolish the building is taken and a date is fixed for such demolition, all necessary precautionary measures shall be taken by the respondent Corporation with the help of the respondent Police and no untoward incidents shall be permitted to take place while undertaking the demolition.

14. With this caution note and direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

RAP

To

- 1.The Commissioner
Corporation of Greater Chennai
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- 2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation, Zone - 5,
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- 3.The Commissioner of Police,
Vepery, Chennai - 7.
- 4.The Inspector of Police (L & O)
B-1, Police Station, Rajaji Salai,
Chennai - 1.

+1cc to M/s.P.T.Ramadevi, Advocate SR. No.60123
+1cc to Mr.N.Siva Prakash, Advocate SR. No.59517
+1cc to Government Pleader SR. No.59775

W.P. No. 24518 of 2021

PCH (CO)
PR (28/02/2022)