



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11445 of 2021

Abdul Kader

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Municipal Commissioner,
Keelakarai Municipality,
Ramanathapuram.

3.V.Jagubar Ali

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to take necessary action to demolish the dangerous Rice Mill Building which is situated in Door No.7/11, Ward No.6, Muslim Bazaar Street, Keelakarai by considering the petitioner's representation dated 02.06.2021 and to enforce the notice dated 23.05.2017 in Na.Ka.No.E2/474/2017 on the file of the 2nd respondent.

For Petitioner : Mr.J.Hassanul Bazari

For Respondent 1 : Mr.A.K.Manickkam
Standing Counsel for Government

For Respondent 2 : Mr.Athimoola Kannan

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.J.Hassanul Bazari, learned Counsel appearing for the petitioner, Mr.A.K.Manickkam, learned Standing Counsel for Government appearing for the first respondent and Mr.Athimoola Kannan, learned Counsel appearing for the second respondent.

3.The petitioner by way of this Public Interest Litigation,
<https://hcservices.ecourts.gov.in/hcservices/>



seeks for implementation of the action initiated by the second respondent to demolish the building which is a rice mill, which is in a very dilapidated condition and it is likely to collapse at any time and if it happens, the public in the area will be affected.

4.Mr.Athimoola Kannan, learned Counsel appearing for the second respondent municipality submitted that the third respondent is the recent purchaser of the property and the municipality had already issued notice to the original owner on 23.05.2017, but the original owner did not demolish the building and as of now, the municipality is preparing to issue notice to the third respondent. It is further submitted that the third respondent is not willing to demolish the building by himself but wants the municipality to do so.

5.This request may not be possible, but the municipality can arrange for demolition of the building and clearing the debris, provided the third respondent remits the cost and the work can be executed through the municipal contractor. In any event, without notice to the third respondent, action cannot be taken. Therefore, we direct the second respondent municipality to proceed further, issue notice to the third respondent, hear his objections and thereafter take action in accordance with law, within a period of eight [8] weeks from the date of receipt of a copy of this order.

6.If according to the second respondent municipality, the functioning of the rice mill itself will be a danger, it is always open to the second respondent municipality to exercise their powers under the Tamil Nadu District Municipalities Act, 1920, which empowers them to lock and seal the building and also direct the electricity board to disconnect the electricity service connection. We leave it to the Commissioner of the Municipality to act in accordance with law.

7.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Ramanathapuram District.

2.The Municipal Commissioner,
Keelakarai Municipality,
Ramanathapuram.

+1 CC to M/s.J.M.HASANUL BAZARI, Advocate (SR-21817[F] dated
09/07/2021)

+1 CC to M/s.A.KANNAN, Advocate (SR-22056[F] dated 12/07/2021)

+1 CC to M/s.SPL GP (SR-22126[F] dated 12/07/2021)

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