



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.1709 OF 2022

AND

W.M.P.NO.1865 OF 2022

Atikramya Builders,
(Represented by its Partner Mr.Suresh Kumar)
2nd floor, Vijay Complex.
No.3, Blackars Road, Mount Road
Chennai - 600 002.

...Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority
'Thalamuthu Natarajan Building', No.1 Gandhi Irwin, Egmore,
Chennai-600008.
2. The Commissioner
Greater Chennai Corporation
Chennai-600003.
3. Zonal Executive Engineer (Zone V)
No.62 Basin Bridge Road,
Old Washermenpet,
Chennai-600021.
4. Vishal.G
5. M.Lalitha
6. Vidhya Meyyappan
7. N.Abdul Mallick
8. Velavendan
9. Shahul Hameed Nainar
- 10.B.Murali
- 11.G.Kamalesh Kumar



12.G.Sankarash

13.Manju Bai & Goutham Chand Jugraj
5/11 (3/11) Blackars Road,
Pudupet, Chennai 600002.

14.A.Balaji

15.A.Ravi Kumar

16.K.Latha

17.K.Varathan

18.M.Hameed Abdul Khader

19.N.Chandra

20.G.Subramaniam

21.Tamilnadu Teachers Association
5/28 (3/28) Blackars Road,
Pudupet, Chennai-600002.

22.Ms.Sriranjini

23.Sri Shantha Construction
5/30 (3/30) Blackars Road,
Pudupet, Chennai - 600002.

24.G.Kamalesh Kumar

25.G.Kamalesh Kumar

26.R.M.Valliammai

27.Sri Shantha Construction
5/7 (3/7) Blackars Road,
Pudupet, Chennai-600002.

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith take action as contemplated under Section 258 of the Chennai City Municipal Corporation Act, 1919 with respect to the building situated at Vijay Complex, No.3, Blackers Road, Chennai-600002 pursuant to representation made by the petitioner on 29.07.2021.



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For Petitioner : Mr.R.Parthasarathy
For R1 : Mrs.Malarvizhi Udaya Kumar
[For CMDA]
For R2 and R3 : Mrs.P.T.Rama Devi
Standing Counsel

O R D E R

The relief sought for in the present writ petition is to direct the respondents forthwith to take action as contemplated under section 258 of the Chennai City Municipal Corporation Act, 1919 with respect to the building situated at Vijay Complex, No.3, Blackers Road, Chennai-600002. Pursuant to the representation made by the petitioner on 29.07.2021.

2. The petitioner is a builder in occupation of a portion of the premises at second floor Vijay Complex, No.3, Blackers Road, Anna Salai, Chennai. The grievances of the writ petitioner is that the entire building is in dilapidated condition and unfit for dwelling. The building is in such a damaged condition and there is likelihood of accident at any point of time. Under these circumstances, the petitioner submitted a representation to the Chennai Corporation to conduct inspection in respect of the said building and to initiate action under Section 258 of the Chennai City Municipal Corporation Act, 1919.

3. The learned counsel for the petitioner made a submission that in order to establish the bonafide of the petitioner, they have given an undertaking that they will vacate their portion of the premises in the said building within a period of six weeks from today [04.02.2022]. In view of the said undertaking, the Court has to draw an inference that the building is in a damaged condition. When the petitioner approaching the Court made an undertaking that he will vacate the premises in view of the fact that the building is in a dangerous condition, then the Court is bound to consider the same with a view to protect the other persons, who all are in occupation of their respective portion in the said building.

4. This being the facts and circumstances placed before this Court the respondents 2 and 3 are directed to conduct inspection of the said building within a period of four weeks from the date of receipt of a copy of this order and make an assessment with the competent experts and thereafter, initiate



all steps by following the procedures as contemplated under Section 258 of the Chennai City Municipal Act and Rules.

5. With these directions, the Writ petition stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Member Secretary,
Chennai Metropolitan Development Authority
'Thalamuthu Natarajan Building', No.1 Gandhi Irwin, Egmore,
Chennai-600008.
2. The Commissioner
Greater Chennai Corporation
Chennai-600003.
3. The Zonal Executive Engineer (Zone V)
No.62 Basin Bridge Road,
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Chennai-600021.

+1cc to Mrs.P.T.Rama Devi, Advocate, S.R.No.7744

W.P.No.1709 of 2022

KSM(CO)
PM/25/02/2022