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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.23313 and 23314 of 2016
and WMP Nos.20015 and 20016 of 2016
and WMP Nos.22547 and 22548 of 2017

R.S.Shankar ... Petitioner in W.P.No.23313 of 2016
P.Devaraj ... Petitioner in W.P.No.23314 of 2016

Vs

1. Commissioner,
Ambur Municipality,
Municipal Office,
Ambur - 635 802 Vellore District.

2. R.G.Nasir Baig

3. The Superintendent of Police,
Thirupathur District.

(R3 suo motu impleaded vide order dt 25.04.2022
in WP.23313 & 23314/16)

... Respondents in both W.Ps

PRAYER in both W.Ps.: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 1st respondent proceedings in Na.Ka.No.417/2015/F1 dated 25.5.2016 and quash the same.

(In both W.Ps)

For Petitioner : No appearance

For Respondent : Mr.V.Jayaprakash Narayanan - R1
Mr.M.Sriram -R2

C O M M O N O R D E R

The matter is listed today under the caption 'for dismissal' notwithstanding which learned counsel on record for the petitioners is not present.

2. That apart, Mr.Sriram, who appears for R2/the owner of the property at Mohammed Ali Chowk, Flower Bazaar Street, Ambur



635-802, Ambur Taluk, Vellore District (premises/building in question), as well as Mr. Jayarapakash Narayanan, learned counsel appearing for R1, i.e., the Commissioner, Ambur Municipality would draw attention to the following relevant facts.

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3. Firstly, the petitioners have been absent on several of the previous occasions. They hold an interim order in their favour passed as early as on 24.06.2016, while preventing disposal of these Writ Petitions simultaneously. Secondly, this Court had appointed an Advocate Commissioner to inspect the premises taking the assistance of technically qualified Engineers. The report of the Advocate Commissioner as captured by this Court in order dated 23.09.2019 is to the effect that the building in question is entirely dilapidated and is not being maintained. There are aberrations on the walls and it is in public interest that the property be demolished. The learned Advocate Commissioner has opined categorically that it is danger to the public if the building is permitted to be used/to stand.

4. Hence, vide order dated 23.09.2019, this Court has directed the petitioners to file affidavits indicating the time required by them to vacate the property, failing which, the Court has stated that it would be inclined to direct the Superintendent of Police to give police protection to the respondents to evict the petitioners and demolish the property.

5. The matter came up thereafter on 15.10.2019 when the petitioners had sought and had been granted two weeks to file affidavits, i.e., on or before 30.10.2019, specifying the time required by them to vacate the property. Order dated 15.10.2019 also records the continued absence of the petitioners on earlier occasions, making it clear that if the learned counsel for the petitioners failed to appear failed to file affidavits on the next date of hearing, orders will be passed on that day itself. The matter was directed to be listed on 30.10.2019.

6. Even today, despite the elapse of two years, the matter stands as it is and the learned counsel for the petitioners is not present. Hence, in light of the consistent view taken by this Court on earlier occasions as recorded above, the impugned orders stand confirmed. The petitioners are directed to vacate the premises within a period of two (2) weeks from date of uploading of this order.

7. The Superintendent of Police, Thirupathur District, who is the jurisdictional Police Officer is suo motu impleaded



as R3 and Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice for the newly impleaded R3.

8. The Superintendent of Police, Thirupathur District is directed to afford police protection at the relevant point in time when action is taken by R1, if there is resistance posed by the petitioners.

9. These Writ Petitions are dismissed. No costs. Connected Miscellaneous Petitions are also dismissed.

10. Compliance report will be filed with the Registry by R1 and R3 within a period of one (1) week after vacating/evicting the petitioners from the property within the timeframe as above.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

S1

To

1.Commissioner,
Ambur Municipality,
Municipal Office,
Ambur - 635 802 Vellore District.

2.The Superintendent of Police,
Thirupathur District.

3.The Section Officer,
Writ Section,
High Court, Madras.

+2cc to Mr.M.Sriram, Advocate, SR.28097
+2cc to Mr.S.Thamizharasi, Advocate SR.No.28132
+1cc to the Government Pleader, SR.No.28913

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SPD(CO)
CB(03/06/2022)