



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.11196 of 2022 and WMP.No.10772 of 2022

Belly Area Block 283 Flat Owners Association
rep. by its Secretary K.Ravichandar,
Having Office at No.27, Belly Area Main Road,
G-Block, Anna Nagar West, Chennai-600 040.

...Petitioner

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.
2. The Regional Deputy Commissioner (Central),
The Regional Deputy Commissioner Office,
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.
3. The Zonal Officer, Zone 8,
Greater Chennai Corporation,
No.13B/36B Pulla Avenue,
Shenoy Nagar, Chennai-600 030.
4. The Executive Engineer,
Zone 8, Greater Chennai Corporation,
No.13B/36B Pulla Avenue,
Shenoy Nagar, Chennai-600 030.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to take all expeditious actions for demolition of the dilapidated and dangerous building situated at Jai Hind Flats, TNHB Block 283, No.27, Belly Area Main Road, G-Block, Anna Nagar West, Chennai-600 040 in pursuance of the representations of the petitioner dated 25.03.2022 and 18.04.2022 within a stipulated time.

For Petitioner : Mr.V.P.Raju

For Respondents : Mr.K.Raja Shrinivas for R 1 to 4



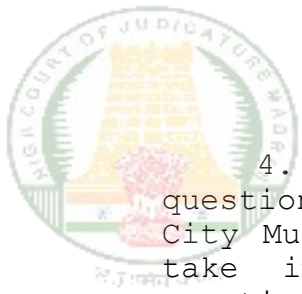
ORDER

(Order of the Court was made by T.RAJA, J.)

WEB COPY This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to take all expeditious actions for demolition of the dilapidated and dangerous building situated at Jai Hind Flats, TNHB Block 283, No.27, Belly Area Main Road, G-Block, Anna Nagar West, Chennai-600 040 in pursuance of the representations of the petitioner dated 25.03.2022 and 18.04.2022 within a stipulated time.

2. Learned Counsel appearing for the petitioner would submit that the petitioner is the Secretary of Belly Area Block 283 Flat Owners Association having its office at No.27, Belly Area Main Road, G-Block, Anna Nagar West, Chennai-600 040 which is a registered society bearing Registration No.204/2021 dated 30.09.2021 under the Tamil Nadu Societies Registration Act, 1975. The grievance of the petitioner is that there are 36 flat owners living in three floors, namely, ground + 2 floors and the said building was constructed and completed in the year 1980 by the Tamil Nadu Housing Board. Now the age of the building is about 42 years and as it was not properly maintained, the condition of the building has become dilapidated and dangerous. On 06.04.2022, the Government Approved Registered Structural Engineer had inspected the building and submitted that the said building is in a very dilapidated condition. The petitioner has also sent various representation dated 03.01.2022 to the Commissioner, Greater Chennai Corporation, Chennai, The Regional Deputy Commissioner (Central), and the Executive Engineer, Zone VIII, Division 104 to take immediate action for demolition of the dilapidated building-in-question. Again finding no response, two more representations dated 26.02.2022 and 25.03.2022 were given to take immediate action for the demolition of the dilapidated building. As per Section 258 of Chennai City Municipal Corporation Act, the Commissioner has a legal obligation to demolish the building, in case the building-in-question is in a dilapidated condition. As the report of the Government Approved Registered Structural Engineer clearly says that the 42 year old building constructed in the year 1980 has become risk and dangerous as it is likely to fall down at any moment, the respondents ought to have taken immediate steps to demolish the same which has not been done so. Therefore, the petitioner has approached this Court by filing the present Writ Petition.

3. Mr.K.Raja Shrinivas, learned Standing Counsel taking notice for the respondents 1 to 4 submitted that a perusal of the photographs enclosed with the typed set of papers would go to show that the building-in-question needs immediate action for demolition.



4. On a perusal of the photographs of the building-in-question, we are of the view that as per Section 258 of Chennai City Municipal Corporation Act, the respondents are required to take immediate action for demolition of the building-in-question. Therefore, the 2nd respondent herein, namely, The Regional Deputy Commissioner (Central), The Regional Deputy Commissioner Office, Pulla Avenue, Shenoy Nagar, Chennai-600 030 is hereby directed to consider the representations of the petitioner dated 25.03.2022 and 18.04.2022 within a period of four weeks from the date of receipt of a copy of this Order and proceed further in accordance with law, if necessary, by giving notice to any aggrieved persons as well.

5. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.
2. The Regional Deputy Commissioner (Central),
The Regional Deputy Commissioner Office,
Pulla Avenue, Shenoy Nagar, Chennai-600 030.
3. The Zonal Officer, Zone 8,
Greater Chennai Corporation,
No.13B/36B Pulla Avenue,
Shenoy Nagar, Chennai-600 030.
4. The Executive Engineer,
Zone 8, Greater Chennai Corporation,
No.13B/36B Pulla Avenue,
Shenoy Nagar, Chennai-600 030.

+4ccs to Mr.V.P.Raju, Advocate SR. Nos.29411 & 29989

+1cc to Mr.K.Raja Shrinivas, Advocate SR. No. 29506

W.P.No.11196 of 2022

SMI (CO)

PR (20/05/2022)