

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.15527 of 2022

N.Kalavathy

...Petitioner

Vs

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

2. The Thasildar,
Taluk Office,
No.46, Greenways Salai,
Raja Annamalaipuram,
Chennai.

3. S.Keerthana

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to order for demolition of building as per the petitioner's representation dated 07-05-2022.

For Petitioner	:	Mr.A.Muruganandam
For Respondents	:	
For R1 & R2	:	Mrs.P.T.Ramadevi standing counsel

ORDER

Mrs.P.T.Ramadevi, learned standing counsel takes notice on behalf of the first and second respondents.

2. After hearing the learned counsel for the petitioner and the learned standing counsel for the first and second respondents, this writ petition is being disposed at the time of admission, by dispensing with notice and counter of the private respondent/third respondent, as no adverse orders are proposed to be passed against the private respondent/third respondent at this stage in this writ petition.

3. The case of the petitioner appears to be that the house property was purchased by the petitioner's mother Late Ambujam Ammal in the year 1964. The property consists of a ground floor, first floor and second floor and that it is in a dilapidated condition. It is submitted that despite the representation to the first respondent, no steps have been taken to grant permission to demolish the property.

4. The learned standing counsel for the first and second respondents, on instructions submits that there is private dispute between the petitioner and the third respondent who is her niece. It is submitted that unless the third respondent consents, demolition cannot be ordered.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned standing counsel for the first and second and respondents. I have also perused the photographs which have been enclosed along with the typed set of papers at Page Nos.116, 117 & 118.

6. Prima facie, it seems to indicate that the property is in dilapidated condition.

7. Considering the above, I direct the first respondent to cause an inspection of the property and take a decision as to whether the property is in a dilapidated condition and requires to be demolished.

8. In case, the official respondents are of the view that the property is in a dilapidated condition and has to be demolished, they may order for demolition and take steps for demolishing the property in accordance with the prevailing rules and regulations. Before causing an inspection, they may issue suitable notice to the private respondent/third respondent. Needless to state, payment of necessary charges shall be made by the petitioner and the private respondent/third respondent. This exercise shall be carried out by the first respondent through its Officers and Structural Engineers, within a period of thirty days from the date of receipt of a copy of this order.

9. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai - 600 003.
2. The Thasildar,
Taluk Office,
No.46, Greenways Salai,
Raja Annamalaipuram,
Chennai.

+1cc to Mr.A.Muruganandam, Advocate, S.R.No.38469
+1cc to Mrs.P.T.Ramadevi, Advocate, S.R.No.38475

W.P.No.15527 of 2022

RK[co]
NSK/20/07/2022