



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.28516 of 2014

&

W.M.P.No.13138 of 2021

&

M.P.No.1 of 2014

P1 M.Nallammal (died)

P2 Mohanraj P2 Substituted as Lrs of deceased sole Petitioner
(vide order dated 13.04.2022

in WMP No.13138 of 2021 in WP 28516/2014 by ASMJ)

... Petitioner

Vs.

1. The District Collector,
Namakkal,
Namakkal District.
2. The Commissioner,
Tiruchengode Municipality,
Tiruchengode,
Namakkal District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the 2nd respondent culminated in and by his proceedings in Na.Ka.No.10070/2014/F1, dated 09.10.2014 and quash the same.

For Petitioner : Mr.V.S.Kesavan

For Respondents : Mr.E.Sundaram
Government Advocate for R1
Mr.N.K.Ponraj for R2

O R D E R

WMP No.13138 of 2021 filed seeking to bring on record the legal heir of the deceased petitioner is ordered.

2. The present Writ Petition is filed challenging notice issued by R2, Commissioner, Thiruchengode Municipality calling upon the petitioner to show cause why the petitioner's property



not be demolished/removed upon the allegation that the buildings are weak and constitute danger to the public.

3. The stand of the petitioner is that the notice has been issued without any application of mind, since it is only one of the properties in that area which was structurally weak, the one very close to the Theppakulam and other properties in that layout that are at a distance from Theppakulam are structurally fit.

4. Seeing as the matter involves determination of facts, it would be appropriate that proceedings are carried to a logical conclusion by R2. The petitioner is permitted to file a reply to the notice within a period of three (3) weeks from today, upon receipt of which, the petitioner will be heard and orders passed by R2 within a period of four (4) weeks from date of conclusion of personal hearing. Since the petitioner is enjoying an order of interim stay granted by this Court on 17.10.2014, let a status quo, as of today, be maintained for a period of eight (8) weeks from today or till R2 passes order, whichever is earlier.

5. This Writ Petition is disposed as above. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sl

To

1. The District Collector,
Namakkal, Namakkal District.
2. The Commissioner,
Tiruchengode Municipality,
Tiruchengode, Namakkal District.

+1cc to Mr.V.S.Kesavan, Advocate, S.R.No.25861
+1cc to the Government Pleader, S.R.No.26378

W.P.No.28516 of 2014 &
W.M.P.No.13138 of 2021 &
M.P.No.1 of 2014

AJS(CO)
CT 27/05/2022