



W.P.No.29674 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29674 of 2022

- 1.R.Chatrabujdas R.Shah
- 2.Mukundas R.Shah
- 3.R.Rajendra Kumar R.Shah

...Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply
(MA IV) Department,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai – 600 003.
- 3.The Assistant Commissioner, Zone – V,
Rippon Buildings, Chennai – 600 003.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to consider and dispose the petitioner's representation dated 04.11.2022 and forthwith demolish the remaining dilapidated building in Survey No.8910 measuring an extent of 3150 Sq.ft at Old Door No.329, New Door No.374, Mini Street, Chennai – 600 003.

For Petitioners : Mr.S.R.Rajagopal
for Mr.C.Vidhusan

For Respondents : Ms.C.Meera Arumugam,
Additional Government Pleader for R1

Mr.D.B.R.Prabhu,
Standing Counsel for R2 and R3

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The petitioners seek a writ of Mandamus directing the Chennai Corporation to take action to demolish the building in question since it has become dilapidated and a portion of it has fallen down.



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2. The statutory power to remove dangerous building is vested in the Corporation and it is seen that the Corporation had also issued notice requiring the petitioner to remove the building on the ground that it is in dangerous condition as early as on 26.11.2014. The petitioners have replied stating that the Rent Control proceedings are pending. Now the petitioners attempt to get an indirect order of eviction, where appeals filed by the tenants are pending before the appellate Authority constituted under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. We do not propose to issue a mandamus directing the Corporation to take action as it is the statutory duty of the Corporation to take action.

3. Hence we do not see any merits in the writ petition. The writ petition therefore fails and it is accordingly dismissed. No costs.

4. The learned counsel appearing for the petitioner would submit that two people have died when the part of the wall collapsed. It is for the



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Corporation to take note of the happenings and discharge its statutory duty. If

it fails in its duty we cannot substitute the Corporation and we cannot discharge the executive functions of the Corporation.

(R.S.M.,J.) (K.B.,J.)
10.11.2022

dsa

Index :No

Internet :Yes

Speaking order



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To:-
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State of Tamil Nadu,
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(MA IV) Department,
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R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

dsa

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