



W.P.No.31078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.31078 of 2022
and W.M.P.No.30498 of 2022

1. Calve Sateesh

2. Gayathri

.. Petitioners

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 3.

2. Assistant Engineer,
Corporation of Chennai,
Zone-5, Broadway,
Chennai - 600108.

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to take appropriate action to demolish the entire building at Door No. Old No.111/A, New No.209, Broadway, Chennai - 600 108 in accordance with law base upon the representation dated 02.02.2022 and 03.11.2022 within a stipulated time at the expenses of the petitioners in order to implement the direction given in the order dated 04.02.2019 in W.P.No.33704 of 2017.



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For Petitioners : Mr.C.Umashankar

For Respondents : Mr.D.B.R.Prabhu

ORDER

This petition has been filed seeking a direction to the respondents to take action in respect of a dilapidated building under Section 258 of the Chennai City Municipal Corporation Act.

2. The learned counsel appearing for the petitioner would submit that the building in question bearing No.209, Broadway, Chennai - 600 108 is in dilapidated condition which may fall any time. Taking note of that a notice under Section 258 of the Chennai City Municipal Corporation Act, was issued as early as on 12.04.2018 by the respondent Corporation. However, they have not taken any action. As no action has been taken, the petitioner filed a writ petition and a Division Bench of this Court dismissed the said writ petition however held that in any event the respondents have already issued notice dated 12.04.2018 under Section 258 of the Chennai City Municipal Corporation Act, it is open to the Chennai Corporation to take appropriate action in accordance with the provisions of Chennai City Municipal Corporation Act. However, no action has been taken, hence the petitioners have filed the present petition seeking the above direction.



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WEB COPY 3. As notice has already been issued on 12.04.2018 taking note of the condition of the building, the respondents shall now assess the building with the help of Engineers and find out the stability of the building. If the building is in dilapidated condition and may be endanger to other neighbours and it is likely to fall down any time, in that case, the respondents shall take appropriate action under Section 258 of the Chennai City Municipal Corporation Act and such exercise shall be done within a period of four months from the date of receipt of a copy of this order. With the above directions the writ petition is disposed of. Consequently the connected miscellaneous petition is closed. No costs.

07.12.2022

Index : Yes / No
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To

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N.SATHISH KUMAR, J.

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