



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.02.2022
CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

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W.P(MD).No.3319 of 2022

Syed Salaudeen (Muthavalli)

.. Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli Corporation,
Bharathidhasan Salai,
Contonment,
Trichy.

2.The Deputy Commissioner,
Ariyamangalam Division,
Tiruchirappalli Corporation,
Trichy.

3.B.Abdulkathar

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to take necessary action to demolish the dilapidated building situated at Door No.97/4, Kuppangkulam, Madurai Road, Trichy, on the basis of the petitioner's representation dated 22.10.2020, within time frame fixed by this Court.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.R.Baskaran for R1 and R2
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to take necessary action to demolish the dilapidated building situated in door No.97/4, Kuppangkulam, Madurai Road, Trichy, based on the petitioner's representation dated 22.01.2020.

2.According to the petitioner, he is the Muthavalli of Hazarath Nabi Sallallahu Alahi Vasallam Fathiah Wakf. It is the case of the petitioner that the aforementioned property is being occupied by the third respondent, who is a tenant under the petitioner mosque. It is the case of the petitioner that the said building occupied by the



third respondent is in a dilapidated condition. He has given a representation on 22.10.2020, seeking for demolition of the said building by the first and second respondents. Since the representation has not been considered till date, he has filed this writ petition.

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3. Heard Mr.T.Vadivelan, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2.

4. By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

5. No prejudice will be caused to the respondents, if the petitioner's representation seeking for demolition of the dilapidated building occupied by the third respondent, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the third respondent.

6. Accordingly, this Court directs the first respondent to consider the petitioner's representation, dated 22.10.2020, requesting the official respondents to take necessary action to demolish the dilapidated building situated at door No.97/4, Kuppangkulam, Madurai Road, Trichy and occupied by the third respondent as a tenant and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the third respondent and any other necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Commissioner,
Tiruchirappalli Corporation,
Bharathidhasan Salai,
Contonment,
Trichy.

2.The Deputy Commissioner,
Ariyamangalam Division,
Tiruchirappalli Corporation,
Trichy.

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SS/02.03.2022 : 3P/3C