



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4463 of 2022

and

'W.M.P. [MD]No.3760 of 2022

WEB COPY

M.Nagendran

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Commissioner,
Madurai City Municipal Corporation,
Madurai.

3.The Assistant Executive Engineer (Planning),
Madurai City Municipal Corporation,
Madurai.

4.Bhaskara Pandian

... Respondents

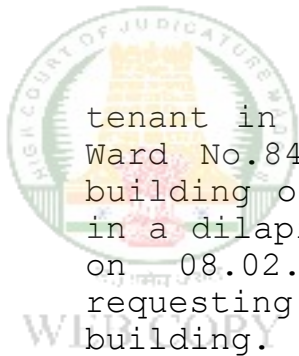
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to take immediate action for demolition of the property situated in Door No.320, Keela Masi Street, Ward No.84, Madurai - 625 001 by considering the letter issued by the third respondent in Ref.No.01323292/2020 dated 28.12.2021 based on the petitioner's representations dated 08.02.2022 and 21.02.2022 within a time stipulated by this Court.

For Petitioner	: Mr.B.Arun
For Respondent No.1	: Mr.M.Lingadurai Special Government Pleader
For Respondents 2&3	: Mr.K.K.Kannan Standing Counsel

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to take immediate action for demolition of the property situated at Door No.320, Keela Masi Street, Ward No.84, Madurai - 625 001, by considering the letter issued by the third respondent dated 28.12.2021 based on the petitioner's representations dated 08.02.2022 and 21.02.2022 within a time frame to be fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/> 2. According to the petitioner, the fourth respondent is his



tenant in the property situated in Door No.320, Keela Masi Street, Ward No.84, Madurai - 625 001. According to the petitioner, the building occupied by the fourth respondent is 160 years old and is in a dilapidated condition. The petitioner has given representations on 08.02.2022 and 21.02.2022 to the respondent Corporation requesting them to evict the fourth respondent and demolish the building. According to the petitioner, the third respondent had earlier addressed a letter to the petitioner on 28.12.2021 intimating the petitioner that the building will have to be demolished and in case the building is not demolished by him, the Corporation themselves will demolish the said building. In such circumstances, since the petitioner's representations have not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.B.Arun, learned Counsel appearing for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the first respondent and Mr.K.K.Kannan, learned Standing Counsel who accepts notice on behalf of the respondents 2 and 3.

4.On instructions, learned Standing Counsel would submit that the fourth respondent has already filed a writ petition in W.P.[MD] No.545 of 2022, involving the very same building occupied by him.

5.No prejudice would be caused to the official respondents if the petitioner's representations seeking for eviction and demolition of the dilapidated building is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the fourth respondent who will be aggrieved by the same.

6.Accordingly, this Court directs the second and third respondents to consider the petitioner's representations dated 08.02.2022 and 21.02.2022 for eviction of the fourth respondent and for demolition of the dilapidated building at Door No.320, Keela Masi Street, Ward No.84, Madurai - 625 001 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the fourth respondent within a period of four [4] weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

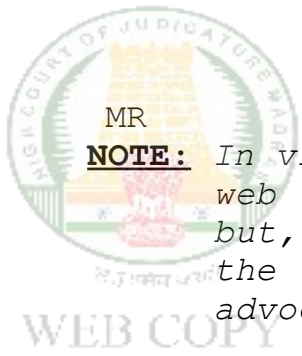
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



MR

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.

To

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Commissioner,
Madurai City Municipal Corporation,
Madurai.
- 3.The Assistant Executive Engineer (Planning),
Madurai City Municipal Corporation,
Madurai.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-11902[F] dated 14/03/2022)

+1 CC to M/s.S.THANGARAJ, Advocate (SR-11910[F] dated 14/03/2022)

+1 CC to M/s.SPL GP (SR-12445[F] dated 16/03/2022)

W.P. [MD]No.4463 of 2022

14.03.2022

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