



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5843 of 2022

WEB COPY

K.K.Rajendran @ Rajan

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai-625 020.

2. The Executive Engineer (Planning) (General)
Madurai Corporation,
Madurai.

3. The Assistant Commissioner,
Madurai Corporation,
Zone-2,
Madurai-625 020.

4. M.K.Jothibas

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to direct the respondents No.2 and 3 to look and seal the dangerous buildings of Door No.12, Krishnapuram Nesavaalar Colony 2nd Street, Madurai 625 014 in Property Tax Assessment No.349481 and prevent any untoward incident in future by considering his representation dated 05.02.2022 and the communication of the 2nd respondent in E2/000675/2022 dated 03.03.2022, within the period as stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.K.K.Kannan
Standing Counsel
for R1 to R3

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to consider the petitioner's representation dated 05.02.2022, requesting the third respondent to demolish the dilapidated building presently occupied by the fourth respondent at Door No.12, Krishnapuram Nesavaalar Colony 2nd Street, Madurai 625 014, [Property Tax Assessment No.349481], within a time



frame to be fixed by this Court.

2. According to the petitioner, the fourth respondent is his tenant in respect of the aforementioned property. According to him, the building is 65 years old and it is in a dilapidated condition and it is unfit for occupation. It is the case of the petitioner that the building will have to be immediately demolished to prevent any untoward incident happening. The petitioner has given a representation to the official respondents on 05.02.2022, requesting for locking and sealing the premises occupied by the fourth respondent and thereafter demolishing the same. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.A.Haja Mohideen, learned Counsel for the writ petitioner and Mr.K.K.Kannan, learned Standing Counsel who accepts notice on behalf of the respondents 1 to 3.

4. No prejudice would be caused to the respondents if the representation of the petitioner dated 05.02.2022 is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the fourth respondent and any other necessary party whom the third respondent deems fit to enquire.

5. Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 05.02.2022 requesting for locking and sealing the premises occupied by the fourth respondent at Door No.12, Krishnapuram Nesavaalar Colony 2nd Street, Madurai 625 014, [Property Tax Assessment No.349481] and thereafter demolish the said building and pass final orders after affording a fair hearing to the petitioner and the fourth respondent and any other necessary party whom the third respondent deems fit to enquire within a period of three [3] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



To

1. The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai-625 020.

2. The Executive Engineer (Planning) (General)
Madurai Corporation,
Madurai.

3. The Assistant Commissioner,
Madurai Corporation,
Zone-2,
Madurai-625 020.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-15753[F] dated 31/03/2022)

W.P. [MD]No.5843 of 2022
31.03.2022

SRR (CO)

KB(19.04.2022) 3P 5C