



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.7724 of 2022

V.T.Praveen Balaji

... Petitioner

Vs.

- 1.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Thoothukudi Revenue Division,
Thoothukudi, Thoothukudi District.
- 4.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi, Thoothukudi District.

5.M.Vigneshwaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to demolish the petitioner's building in Door No.80, Proper Street, East Shunmugapuram, Thoothukudi after giving notice to the fifth respondent under Section 327 of the Thoothukudi City Municipal Corporation Act by considering the petitioner's representation dated 28.02.2022.

For Petitioner	: Mr.N.Pragalathan
For Respondent No.1	: Mr.S.Saji Bino Standing Counsel
For Respondent No.2 to 4	: Mr.D.Sasikumar Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to demolish the petitioner's building in Door No.80, Proper Street, East Shunmugapuram, Thoothukudi by considering the petitioner's representation dated 28.02.2022, within a time frame to be fixed by this Court.



2.The petitioner claims that the fifth respondent is his tenant. According to the petitioner, the aforementioned building is 80 years old and it is in a dilapidated condition. In such circumstances, the petitioner has given a representation on 28.02.2022 to the first respondent as per the provisions of Section 327 of the Thoothukudi City Municipal Corporation Act, seeking for demolition of the building presently occupied by the fifth respondent. Since, no final orders have been passed till date, this writ petition has been filed.

3.Heard Mr.N.Pragalathan, learned Counsel appearing for the writ petitioner, Mr.S.Saji Bino, learned Standing Counsel who accepts notice on behalf of the first respondent and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 2 to 4.

4.Learned Standing Counsel appearing for the first respondent Corporation would submit that the first respondent has already taken the representation submitted by the petitioner on record and has issued notices to the respective parties namely the petitioner and the fifth respondent.

5.No prejudice would be caused to the official respondents, if final orders are passed after affording a fair hearing to the petitioner and the fifth respondent within a time frame to be fixed by this Court.

6.For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 28.02.2022, seeking for demolition of the building in Door No.80, Proper Street, East Shunmugapuram, Thoothukudi, after affording a fair hearing to the petitioner and the fifth respondent including granting them the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order. Once a final decision is taken and if the first respondent decides to demolish the building, the necessary charges will have to be paid by the petitioner.

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

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Revenue Divisional Officer,
Thoothukudi Revenue Division,
Thoothukudi,
Thoothukudi District.

4.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.N. PRAGALATHAN, Advocate (SR-20624[F] dated 22/04/2022)

+1 CC to M/s.S.SAJI BINO, Advocate (SR-20787[F] dated 25/04/2022)

ORDER MADE IN
W.P. [MD]No.7724 of 2022
22.04.2022

sb (CO)

TR(29.04.2022) 3P 7C