



W.P.(MD).No.11824 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.11824 of 2022

Selvarani Bremanand

... Petitioner

Vs.

1.The Commissioner,
Paramakudi Municipality,
Ramanathapuram District.

2.P.Girijabhai

3.P.Dharmarajan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take expeditious action in furtherance to his Demolition notice vide no.Na.Ka.No.579/2022/F2 dated 28.02.2022 by considering the petitioner's representation dated 20.05.2022 within the stipulated time.

For Petitioner	: Mr.N.Karthik Kanna
For R-1	: Mr.M.Kannan
For R-2	: No Appearance
For R-3	: Mr.I.Saliyakhan



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ORDER

Heard the learned counsel on either side.

2. According to the petitioner, the petition mentioned house is in a dilapidated condition and that it should be demolished. The first respondent had already issued demolition notice under Section 218 of the Tamil Nadu District Municipalities Act, 1920. The petitioner's grievance is that even though the notice was issued as early as on 28.02.2022, consequential steps have not been taken. Hence, this Writ Petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing Counsel for the Municipality submitted that there is some civil dispute pending in respect of the said property.

4. I wanted to know if any restraint order has been obtained against the Municipality from proceeding with demolition. But, no such restraint order has been produced before me. Therefore, nothing stops the first respondent from taking the matter to its logical conclusion. However, before doing so, the first respondent will have to necessarily hear the persons, who are opposing the



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petitioner's request. In the nature of things, the enquiry will be summary. If the first respondent is satisfied that the building is in a dangerous condition, then, definitely, he has to pass a demolition order and enforce it. The entire exercise should be completed with a period of eight (8) weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

08.07.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

The Commissioner,
Paramakudi Municipality,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

Lm

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