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W.P.(MD)NO.15251 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15251 of 2022

A.P.T.Alagar

... Petitioner

Vs.

1. The Commissioner,
Dindigul Corporation, Dindigul.

2. K.Murugan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to dispose of the petitioner's representation dated 13.04.2022 within the time stipulated by this Court.

For Petitioner : Mr.S.M.Sanjay

For R-1 : Mr.J.Lawrance,
Standing Counsel.

For R-2 : Mr.V.Karthik Raja,
for M/s.Ajmal Associates.

* * *

**ORDER**

Heard the learned counsel on either side.

2. The petitioner wants the petition mentioned building to be demolished. He seeks permission from the local body. Since the local body has not acted to his request, the present writ petition has been filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the second respondent submitted that the writ petitioner suffers from suppression of material facts. He would state that the petitioner had entered into a mortgage with him way back on 14.07.1975 and subsequently on 22.03.2017. The petitioner entered into a sale agreement with the second respondent. The second respondent had already filed O.S.No.299 of 2022 on the file of the Principal District Munsif, Dindigul, for recovery of a sum of Rs.19 Lakhs from the petitioner. The contention of the learned counsel appearing for the second respondent is that to



evict him from the petition mentioned premises, this writ petition has been filed.

4. Though the contentions of the second respondent are having considerable force, I am of the view that it is the first respondent who has to take a call in the matter. The only question that arises for consideration is whether the petition mentioned building is in a dilapidated condition or it is in sound condition. If the building is in dilapidated condition and poses danger to the general public, then obviously, it has to be demolished. If it is in good condition, it should not be demolished. This is all more so because, the rights of the second respondent are involved. I therefore direct the first respondent to take a call in the matter to decide the petitioner's representation. In the said enquiry, the second respondent will be personally heard.

5. A competent engineer will be appointed to test the structural soundness of the building. Based on all the relevant inputs, the first respondent will decide the issue. The entire exercise will have to be completed within a period of twelve



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weeks from the date of receipt of a copy of this order. This

writ petition stands disposed of accordingly. No costs.

01.09.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Commissioner,
Dindigul Corporation, Dindigul.



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G.R.SWAMINATHAN,J.

PMU

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