



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.21705 of 2021

and

W.M.P(MD)Nos.18295 and 18296 of 2021

Guruvammal

...Petitioner

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

2. The Revenue Inspector,
Thiruvengadam Taluk,
Tenkasi District.

3. The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi District.

4. Ashok Kumar

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order passed by the 1st respondent in A3/M.C No.01/2021 (133) dated 27.09.2021 and quash the same as illegal.

For Petitioner : Mr.S.Suresh Manickam

For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate

For R4 : Mr.H.Arumugam

ORDER

The petition has been filed challenging the order passed by the first respondent, dated A3/M.C.,No.01/2021(133), dated 27.09.2021, thereby, directed the petitioner to vacate the premises within a period of seven days.



2.The learned Counsel appearing for the petitioner would submit that the petitioner is a tenant under one Chinna Vellammal from the year 2000 onwards. She has been paying rent of Rs.1,000/- to her regularly. While being so on 22.09.2020, she died and thereafter, the petitioner is continuously paying rent to her sister namely, Kamalam. But, the fourth respondent herein purchased the said property from one Saravanan Kumar, who is claimed to be a legal heir of the deceased Chinna Vellammal. The fourth respondent insisted the petitioner to vacate the subject property since the petitioner refused to vacate the premises. Therefore, the petitioner filed a suit in O.S.No.206 of 2021 on the file of the Principal District Munisif Court, Sankarankoil, for injunction restraining the fourth respondent herein from evicting the petitioner from the subject property without following due process of law. While pending the suit, the first respondent passed the order, thereby, directed the petitioner to vacate the house for the reason that the entire building is in dilapidated condition. On the complaint received from the neighbour, the first respondent directed to demolish the subject building since it is dangerous to the general public.

3.The learned Counsel appearing for the fourth respondent had filed counter and submitted that the building is in dilapidated condition and at any time, it may fall down. Due to the complaint lodged by the neighbour alleging that it is dangerous to the general public and nearby residence and on receipt of the same, the first respondent conducted enquiry and after personal inspection over the subject building, passed the order, thereby, directed the petitioner to vacate the premises so that the building can be demolished. Infact, even before passing the impugned order, the petitioner demanded amount from the fourth respondent to vacate the premises. After the order was passed by the first respondent, the petitioner threatened the officials with kerosene tank in the event of demolition. She has poured kerosene and threatened. Considering the above and at the intervention of the elders, who pacified the petitioner and as well as the fourth respondent and then, the fourth respondent has paid a sum of Rs.1,50,000/- to the petitioner. Even then, the petitioner refused to vacate the premises.

4.The learned Government Advocate submitted that the building in dilapidated condition and only on considering the representation submitted by the neighbor, the first respondent passed the order.

5.On perusal of the records and the photographs produced by the petitioner as well as the fourth respondent, it is revealed that the subject building is in dilapidated condition at any time, it will fall down.

6.In view of the above, the first respondent has rightly passed the order and directed the petitioner to vacate the premises so that the building can be demolished. Therefore, the Writ Petition is dismissed as

<https://hcdservicesanb.gov.in/ncs/index.php>



devoid of merits. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (A.D.I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

1r

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 Sub Divisional Magistrate cum
Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.
2. The Revenue Inspector,
Thiruvengadam Taluk,
Tenkasi District.
3. The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-11471[F] dated 11/03/2022)

+1 CC to M/s.S.SURESH MANICKAM, Advocate (SR-11596[F] dated 11/03/2022)

W.P(MD) .No.21705 of 2021
10.03.2022

RD(30.03.2022) 3P 7C