



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.12.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27139 of 2022

S.Nirmala

..Petitioner

Vs

1.The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Tallakulam,
Madurai – 625 002.

2.The Assistant Commissioner,
Madurai Corporation,
Zone-2,
Madurai

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to give permission to demolish the property situated in Resurvey No. 63/6A and 63/6B eastern portion of Plot No.9 in Managiri Second Bit Village, Madurai North Taluk along with building within the time stipulated, on the basis of the Petitioner's representation, dated 6.8.2022.

For Petitioner :Mr.B.Sukumar

For Respondents:Mr.S.Vinayak
1 and 2 Standing Counsel

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to give permission to demolish the property



situated in Resurvey No.63/6A and 63/6B eastern portion of Plot No.9 in Managiri Second Bit Village, Madurai North Taluk along with building within the time stipulated, on the basis of the Petitioner's representation, dated 6.8.2022.

2.Mr.S.Vinayak, learned Standing Counsel takes notice for the respondents 1 and 2/Madurai Corporation. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner had purchased the prayer mentioned property and got it registered in Doc.No.4299/2021, on the file of Sub-Registrar Office,Tallakulam.After purchase, the Petitioner has paid taxes to Madurai Corporation in Assessment Nos. 115/031/00931, 115/031/00932 bearing Door Nos.150 and 151 respectively in Vivekananthar Street and the rain water come to the house and caused damage to the building causing problem to the neighbour and public people. In this regard, the Petitioner sent a representation on 6.8.2022 seeking permission to demolish the building and the same was acknowledged on 8.8.2022 and 12.8.2022 by the respondents 1 and 2 respectively. Since no permission was granted, the petitioner has filed this Writ Petition for the relief stated supra.

4.The learned Standing Counsel appearing for the



respondents/Corporation would submit that they should inspect the property in question along with engineers to find out whether the same is in dilapidated condition or not and if it needs demolition, the respondents will give permission to demolish the said building based on the representation submitted in this regard within the time stipulated by this Court.

5.In view of the above, this Court, without going into the merits of the matter directs the respondents to consider the representation of the Petitioner, dated 6.8.2022 and pass appropriate orders based on the assessment made by them in respect of the condition of the Petitioner's building, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of sixteen weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs.

01.12.2022

Index : Yes/No

Internet:Yes/No

vsn



To

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Madurai Corporation,
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2. The Assistant Commissioner,
Madurai Corporation,
Zone-2,
Madurai



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.27139 of 2022

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