



WEB COPY

WP No.16227 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

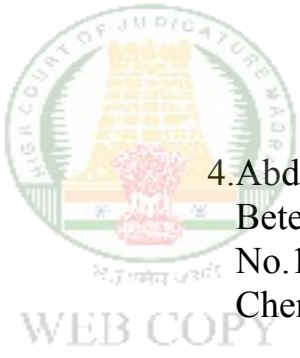
WP No.16227 of 2013

Azeez Badsha Sahib's Charities,
Old No.4, New No.9,
Leith Castle North Street,
Santhome,
Chennai-600 028 Represented by its
Trustee, Abdul Jabbar Suhail.

... Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town,
Chennai-600 003.
- 2.The Assistant Commissioner of Police,
(Law and Order),
Triplicane Unit,
D-1, Police Station,
Triplicane,
Chennai-600 005.
- 3.Delite Agencies,
108, General Patters Road,
Chennai-600 002.



4. Abdul Jabbar and Abdul Salam,
Betel Nut Shop,
No.108, General Patters Road,
Chennai-600 002.

5. Md. Abdulla Badsha

6. Md. Asadulla Badsha

7. Md. Akramulla Badsha

8. Anisa Mussarrat

9. Md. Alimulla Badsha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, against the first and second respondents directing them to investigate and consider the demands made by the petitioner in their notice dated 22.10.2012 and to take action to remove and evacuate the respondents 3 to 9 from the premises at No.108 (Old No.8), General Patters Road, Chennai-600 002 and D.Byran Jung Bahadur 2nd Lane, Mount Road, Chennai-600 002 as contemplated under law.

For Petitioner : Mr.S.Sureshkumar

For Respondent-1 : Ms.P.T.Ramadevi

For Respondent-2 : Mr.Abishekmurthy,
Government Advocate.



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For Respondents-3 : Refused

For Respondents-4 to 8 : Vacated

For Respondent-9 : Ms.G.Chitra

ORDER

The writ on hand has been instituted to direct the respondents 1 and 2 to investigate and consider the demands made by the petitioner in their notice dated 22.10.2012 and to take action to remove and evacuate the respondents 3 to 9 from the premises at No.108 (Old No.8), General Patters Road, Chennai-600 002 and D.Byran Jung Bahadhur 2nd Lane, Mount Road, Chennai-600 002 as contemplated under law.

2. The grievance of the petitioner is that the subject property is the Wakf property and it is more than 100 years old. The building is in dilapidated condition and not fit for dwelling purposes.

3. That being the case, the petitioner issued notice to the respondents to vacate the premises and the Corporation Authorities are also have not taken any action. The petitioner raised an apprehension of



untoward incident, since the building is unfit for dwelling purposes. Though the notice was issued in the year 2012, the Corporation Authorities have not conducted any inspection.

4. However, the learned counsel appearing on behalf of the Corporation of Chennai made a submission that the Authorities asked the petitioner to submit a Stability Certificate. Such Stability Certificate cannot be obtained from private persons, since there is a likelihood of favour or otherwise.

5. The Corporation Authorities with the assistance of the qualified Engineers have to assess the stability of the building for the purpose of taking further action by invoking the provisions of the City Municipal Corporation Act.

6. The learned Government Advocate, appearing on behalf of the second respondent, brought to the notice of this Court that normally such job will be undertaken by the Competent Authorities of the Public Works Department.



7. Therefore, the respondents 1 and 2 have to assess the building through Public Works Department to ascertain the stability of the building and thereafter take appropriate action in the interest of the public.

8. Accordingly, respondents 1 and 2 are directed to inspect the subject property along with the Competent Authorities of the Public Works Department of the Government of Tamil Nadu and assess the stability condition of the building and thereafter initiate all appropriate actions in the manner known to law and by following the procedures.

9. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs.

20-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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S.M.SUBRAMANIAM, J.

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