



WEB COPY



W.P.No.7681 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.7681 of 2023

Shait,
S/o.Natasan,
No.235, Nagai Road,
Thiruvarurthaluka, Adiyakkamangalam,
Aandipalaiyam, Thiruvarur.

... Petitioner

Vs.

1.The Municipal Commissioner,
Thiruvarur Municipality,
Thiruvarur.

2.V.Idhayadhullah,
Deluxe Hotel,
Thanjai Road,
Thiruvarur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent to take action as per its statutory notice dated 26.09.2022 vide Na.Ka.No.2743/2019/F1.

For Petitioner : Mr.T.Ananthasekar

For Respondent : Mr.C.Selvaraj (for R1)
Additional Government Pleader



W.P.No.7681 of 2023

ORDER

WEB COPY

This Writ Petition has been filed seeking direction to the 1st Respondent to take action as per its statutory notice dated 26.09.2022 vide Na.Ka.No.2743/2019/F1.

2.Heard the learned counsel appearing on behalf of the Petitioner and the learned Additional Government Pleader appearing on behalf of the 1st Respondent.

3.The Petitioner is the owner of the building situated at No.3, Block No.17, T.S.No.575-A1B, R.C.C. Building, Door No.32/B, 11, 12, 13 and the 2nd Respondent is running a shop in the said premises. The 1st Respondent sent a statutory notice dated 26.09.2022 vide Na.Ka.No.2743/2019/F1, directing them to demolish the building of the shop, which is endangering to public safety. Eventhough the Petitioner is willing to demolish the building the 2nd Respondent is not cooperating with him. Therefore, Petitioner's son sent a representation dated 25.01.2023 to the authorities concerned, including the 1st Respondent herein, to take appropriate action, in pursuant to the statutory notice dated 26.09.2022 vide Na.Ka.No.2743/2019/F1 sent by the 1st



W.P.No.7681 of 2023

Respondent. Since no action has been taken by the authorities, the present Writ Petition has been filed by the Petitioner.

4.Having regard to the submissions made by the learned counsel appearing on either side and taking into consideration the limited prayer sought for by the Petitioner, without expressing any opinion with regard to the merits of the case and without going into the rights of the parties, I am inclined to direct the 1st Respondent to consider the Petitioner's representation dated 25.01.2023 and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.In fine, the Writ Petition is allowed to the extent indicated above. No costs.

14.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

sai



WEB COPY



W.P.No.7681 of 2023

RMT.TEEKAA RAMAN.J,

sai

To

The Municipal Commissioner,
Thiruvavarur Municipality,
Thiruvavarur.

W.P.No.7681 of 2023

Dated: 14.03.2023