



WEB COPY



W.P.No.7318 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2023

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.7318 of 2023

and

W.M.P.No.7402 of 2023

1.Dillibabu

aged about 55 years

Son of Mr.Narayanan

No.4 & 5, Bharathiyar Street

Sembium, Chennai 600 011.

2.Riaz Ahmed Baig

Son of H.A.Baig

No.151/65, 8th Street

Secretariat Colony

Kilpauk, Chennai 600 010.

3.M.Aliyar

Son of Madina Maraikayar

No.78/12, Ponnappa Street

Purasaiwalkam

Chennai 600 084.

... Petitioners

Vs.

1.The Commissioner

Town Planning Section – Anna Nagar

Greater Chennai Corporation

Ripon Buildings

Chennai 600 003.



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2.The Assistant Executive Engineer
Greater Chennai Corporation
No.36, G, Pulla Avenue
Shenoy Nagar
Chennai 600 040.

3.The Executive Engineer
Greater Chennai Corporation
Zone 8, Division 104
Shenoy Nagar
Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to demolish the building at Old No.7, New No.11, Arasappa Mudali Street, Purasaiwalkam, Chennai 600 007, pursuant to the demand advice raised by the 2nd Respondent in W.D.C.No.DAWDCNO8/00442/2022 dated 23.05.2022, within the time frame fixed by this Court .

For Petitioner : Mr.K.Sharath Chandran

For Respondent : Mr.D.B.R.Prabhu
Standing counsel

ORDER

This Writ Petition has been filed seeking direction to the Respondents to demolish the building at Old No.7, New No.11, Arasappa Mudali Street, Purasaiwalkam, Chennai 600 007, pursuant to the demand advice raised by the



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2nd Respondent in W.D.C.No.DAWDCNO8/00442/2022 dated 23.05.2022.

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2.As per the representation given by the Petitioners they are the owners of the petition premises viz., Old No.7, New No.11, Arasppa Mudali Street, Purasaiwalkam, Chennai 600 007 and they also gave a representation under Section 258 (3) of the Chennai City Municipal Corporation Act, 1919 for demolition of the building on the ground that it is in dilapidated condition and dangerous to human habitation. They also moved a Petition before the City Civil Court and obtained a civil decree in O.S.No.2969 of 2012 dated 08.11.2022.

3.Heard the learned counsel for the Petitioners and the learned counsel for the Respondents.

4.My attention has been drawn to the demand advice issued by the Assistant Executive Officer, Shenoy Nagar, Chennai dated 23.05.2022 wherein it has been stated that the application of the Petitioners for demolition of existing buildlig was processed and found approved and asking the Petitioners to pay necessary fees. According to the learned counsel for the Petitioners, the



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Petitioners also paid the fees and hence, I find that it is a statutory duty of the respondent to complete the process by disposing of the representation and also the request of the Petitioners, since the demand notice given by the Assistant Executive Officer/2nd Respondent has been duly complied with by the Petitioners. It is open to the Respondent to follow the procedure as contemplated under the Chennai Municipal Corporation Act and complete the same, within a period of eight weeks from the date of receipt of a copy of this order.

5.In fine, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

14.03.2023

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

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To
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Town Planning Section – Anna Nagar
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Chennai 600 003.

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RMT.TEEKAA RAMAN.J,

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Dated: 14.03.2023