



WEB COPY

W.P.No.10327 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10327 of 2023

Mrs.Ponnammal
wife of Arumugam,
residing at No.206,
Bharathi Street, Paappan Chavadi,
Raawuthan Kuppam Post,
Thiruchitrambalam,
Villupuram District,
represented by her power agent
K.Lachiyaraj
residing at No.6
Marriamman Koil Street
Old Colony
Sedarapattu, Puducherry – 605 111.

... Petitioner

Vs.

The Commissioner
Municipality of Puducherry
Bussy Street
Near Old Bus Stand
Kamban Kalaiarangam,
Puducherry – 605 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to exercise the power conferred under section 336 of the Puducherry Municipalities Act,



1973 by acting the petitioner's representation dated 25.10.2022, after notice to all parties concerned and holding enquiry in accordance with law to demolish the old and dilapidated building measuring an extent of 2410 Sq.ft with 100 years old tiled house building thereon having built up area of 1200 sq.ft at Old Door No.9 and New Door No.37, Calvey Bungalow Street, Veerargava mudaliyar Thottam, Puthupalayam Revenue, bearing Patta No. 2658, comprised in T.S. No.27, R.S. No.112/6, Cad No.168/40/40/1pt., 168/40/40/2pt, situated within the Municipal limit of ward – G, Block No. 19, Pondicherry Municipal Corporation as it is unfit for human habitation.

For Petitioner : Mr.R.Veeramani

For Respondent : Mr.A.Tamil Vannan
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondent to exercise the power conferred under section 336 of the Puducherry Municipalities Act, 1973 by acting on the petitioner's representation dated 25.10.2022, after notice to all parties concerned and holding enquiry in accordance with law to demolish the old and dilapidated building measuring an extent of 2410 Sq.ft with 100 years old tiled house building thereon having built up area of 1200 sq.ft at Old Door No.9 and New Door No.37, Calvey Bungalow Street, Veerargava mudaliyar Thottam,



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Puthupalayam Revenue, bearing Patta No. 2658, comprised in T.S. No.27, R.S. No.112/6, Cad No.168/40/40/1pt., 168/40/40/2pt, situated within the Municipal limit of ward – G, Block No. 19, Pondicherry Municipal Corporation as it is unfit for human habitation.

2. The learned counsel for the petitioner states that the building belonging to the petitioner is in dilapidated condition and constructed 100 years back. The occupants of the building are refusing to vacate and further fixing responsibility of the petitioner in the event of damage or otherwise. Thus, the petitioner has given a complaint to the respondents to conduct inspection and initiate appropriate action to demolish the building, which is in dilapidated condition by invoking Section 336 of the Puducherry Municipality Act. Since no action has been taken, the petitioner is constrained to move the present writ petition.

3. Mr.A.Tamil Vannan, Additional Government Pleader appearing on behalf of the respondent takes notice.



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4. Considering the facts and circumstance, the respondent is directed to conduct an inspection of the building and initiate all appropriate actions by following the procedures as contemplated under law.

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

03.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Commissioner
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S.M.SUBRAMANIAM, J.

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