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Writ Petition No.13546 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.13546 of 2023
and W.M.P.Nos.13222 and 18554 of 2023

1.P.K.Balasubramanian
2.M.Krishnaswamy
3.K.Meenamanimegalai
4.S.Sabarivasan

...Petitioners

Vs

1. The Commissioner,
Coimbatore Corporation,
Town Hall, Coimbatore – 641 001.

2.The Assistant Commissioner,
Central Zone,
Coimbatore – 641 018.

3.The Assistant Engineer,
Town Planning,
Central Zone, Circuit House Road,
Coimbatore – 641 018

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, directing the respondents



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to consider the representation of the petitioners dated 02.08.2021 and consequently demolish the dilapidated structure belonging to the petitioners situate at Door Nos.297, 299, 300 and 301, First Floor, 9th Street Extension, Gandhipuram, Coimbatore – 641 012 .

For Petitioners : Ms.R.Deepika Sonali
for Tamilvanan

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

This writ petition is filed by the petitioners seeking a direction to the respondents to consider the representation of the petitioners dated 02.08.2021 and consequently demolish the dilapidated structure belonging to the petitioners at Door Nos.297, 299, 300 and 301, First Floor, 9th Street Extension, Gandhipuram, Coimbatore – 641 012 .

2. It is the case of the petitioners that they are living in an apartment which consists of ten houses. The petitioners are owners of four flats in the first floor of the building.



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3. It is stated by the petitioners that the building is 60 years old and the same is in a dilapidated condition. Therefore, the petitioners submitted a representation dated 02.08.2021 to the respondents requesting the respondents to take action under Section 327 of Coimbatore City Corporation Act.

4. Though the petitioners sought for a direction to consider the representation for demolition of dilapidated structure, admittedly, there are other six co-owners of the property and they have not been made as a party to this writ petition. Therefore, the prayer for demolition cannot be considered in the absence of other co-owner of the property.

5. However, in the light of the submission made by the learned counsel for the petitioners, this Court is inclined to issue a direction to the first respondent to consider the representation of the petitioners dated 02.08.2021 and pass final orders on merits and in accordance with law, after issuing necessary notice to other six co-owners of the property within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With these observations, this writ petition is disposed of.

In view of the above order, W.M.P.No.18554 of 2023 is closed. No costs.

Consequently, connected miscellaneous petition is closed.

19.07.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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S.SOUNTHAR, J.
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