



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.17134 of 2023

K.Mohammed Thayiub

Petitioner

vs.

1. The Commissioner,
Pernampet Municipality,
Pernampet,
Vellore District.

2. Thayiub

3. Aminur Rahman

4. Abdulla Basha

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioners representation dated 29.03.2021 and 01.03.2023 to demolish the old building situated at Survey No 434/8A, Door No 235 / 01, Bazaar Road, Pernampet, Vellore, based on the 1st respondents notice dated 20.04.2021.



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2

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents : Mr.S.Arumugam
Government Advocate
for R1

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner on 01.03.2023 and to demolish the subject property which is in a dilapidated condition.

2. Heard Mr.K.P.Chandrasekaran, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate for 1st respondent.

3. The case of the petitioner is that the subject property was originally owned by the father of the petitioner. The building became very old and dilapidated and a request was made to the occupants / tenants of the building to vacate the property. The tenants filed suits before the District Munsif Court, Gudiyatham, seeking for the relief of permanent injunction not to vacate them unless otherwise by due

process of law.



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4. In the meantime, the 1st respondent issued a notice under the relevant provisions of the Tamil Nadu District Municipalities Act, to the father of the petitioner on the ground that the building is in a very dilapidated condition and that it is posing threat to the general public and hence, directed the father of the petitioner to demolish the building failing which, action will be taken against him and that building will be removed by the 1st respondent by recovering the cost from the father of the petitioner. On receipt of this notice, a reply was given stating that the owner of the building is willing to demolish the same but however the tenants are not vacating the property. Therefore, it was stated that the owner of the building will abide by any action taken by the 1st respondent.

5. The 1st respondent issued yet another notice dated 20.04.2021 to the same effect and a legal notice was sent to the 1st respondent explaining the predicament faced by the owner of the petitioner.

<https://www.mhc.tn.gov.in/judis> 6. Ultimately, the petitioner made a representation dated



01.03.2023 to the 1st respondent and requested the 1st respondent to act upon the earlier notice issued. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

7. The 1st respondent has already ascertained the fact that the subject property is in a very dilapidated condition and it is causing threat to the persons who are in occupation of the building and who are accessing the said building. The petitioner is not in a position to act upon the notice issued by the 1st respondent since the property is in occupation of tenants. In view of the same, there shall be a direction to the 1st respondent to issue notice to the tenants and inform them about the condition of the building. They shall also be heard and ultimately, the 1st respondent shall take a decision with regard to the demolition of the subject property. This process shall be completed by the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order.



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8. This writ petition is disposed of with the above directions. No costs.

09.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation case : Yes
rka
To
The Commissioner,
Pernampet Municipality,
Pernampet,
Vellore District.



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6

N. ANAND VENKATESH, J.

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