



WEB COPY



W.P.No.23177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23177 of 2023
and W.M.P.No.22726 of 2023

Noorul Ameen

...Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Karaikal,
Puducherry Union Territory.

2.The Executive Engineer,
Building & Road Section,
Public Welfare Department,
Karaikal,
Puducherry Union Territory.

3.The Commissioner,
Karaikal Municipality,
Puducherry Union Territory.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the respondents to demolish the



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dilapidated building i.e., Karumadhi Mandapam situated at Bypass Road (Va.vu.se. Bypass Road), Kezhaveli, Karaikal, Puducherry Union Territory and also direct the third respondent not to construct any compound wall for the Karumadhi Mandapam.

For Petitioner : Mr.G.Mohammed Aseef
For Respondents : Mr.M.Nirmal Kumar
Government Advocate (Pondy)

ORDER

The petitioner herein seeks a direction to the respondents to demolish the dilapidated building namely Karumadhi Mandapam situated at Bypass Road (Va.vu.se. Bypass Road), Kezhaveli, Karaikal, Puducherry Union Territory and to direct the third respondent not to construct any compound wall for the Karumadhi Mandapam.

2.According to the petitioner, the above said Karumadhi Mandapam is situated in the road margin of the bypass road. The petitioner is having a property in S.No.2/4, R.S.No.53/4, near bypass road. He is running a cement paver block manufacturing unit and on the western side of his property, the above said Karumadhi Mandapam is located.



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3.It is the case of the petitioner that Karumadhi Mandapam is in dilapidated condition endangering human life. The third respondent Municipality passed a resolution on 10.12.2007, for demolition of the above said building and the same has not been implemented so far. In such circumstances, the petitioner submitted a representation dated 05.07.2023 to the first respondent and copy of the same was marked to the third respondent and the same has been received by the third respondent on 07.07.2023.

4.The learned counsel for the petitioner contended that though the third respondent Municipality had passed a resolution as early as 2007 for demolition of the dilapidated Karumadhi Mandapam, the same has not been implemented so far and consequently, the third respondent shall be directed to demolish the Karumadhi Mandapam.

5.Mr.M.Nirmal Kumar, learned Government Advocate who takes notice for the respondents submits that the relief sought for by the petitioner cannot be entertained by this Court and it is for the petitioner to move before the Civil Court for redressal of his grievances.



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6.The decision of demolition of the above said building has to be taken based on the condition of the building and also the utility of the building for the general public. Therefore, a positive direction as prayed for cannot be granted. However, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the third respondent to consider the representation of the petitioner dated 05.07.2023 and pass final 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.

7.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.
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