



WEB COPY



W.P.No.23218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23218 of 2023

S.Barakath Nisha

...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



W.P.No.23218 of 2023

dilapidated building i.e., Tsunami Mandapam situated at Bypass Road
(Va.vu.se. Bypass Road), Kezhaveli, Karaikal, Puducherry Union Territory.

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 Tsunami Mandapam situated at Bypass Road (Va.vu.se. Bypass Road), Kezhaveli, Karaikal, Puducherry Union Territory.

2.It is the case of the petitioner that she is owning a property in old S.No.146(part), 148(part) R.S.No.53/4, Block No.7, Ward-G, Kezhaveli Karaikal and she is proposed to put up a residential house in the said property for her own use. The petitioner is running a cement paver block manufacturing unit and on the western side of her property, there is a Tsunami Mandapam, which was constructed several years back. It is the specific case of the petitioner that the said Tsunami Mandapam is in a dilapidated condition endangering human life. Since, the building is in a very bad condition, the petitioner submitted a representation to the third respondent on 05.07.2023, seeking demolition of the building and the same has not been considered.



W.P.No.23218 of 2023

3.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 her grievances.

4.The learned counsel for the petitioner submits that the Tsunami Mandapam in question is in a dilapidated condition and it is in a stage of crumbling down at any time. If the building is not demolished, it may result in human causality. Therefore, there shall be a direction to the respondents to demolish the building.

5.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, the 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.



W.P.No.23218 of 2023

WEB COPY

6. With the above direction, the writ petition stands disposed of. No costs.

07.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nti

To

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.



WEB COPY



W.P.No.23218 of 2023

S.SOUNTHAR, J.
nti

W.P No.23218 of 2023

07.08.2023