



WEB COPY



W.P.Nos.23658, 23492 & 23496 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P Nos.23658, 23492 & 23496 of 2023

and

**WMP.Nos.23007, 23008, 23169 &
23170 of 2023**

Abdulla Basha

...Petitioner in W.P.No.23658/2023

Mohammed Thaiyoob

...Petitioner in W.P.No.23492/2023

F.Ameen Ahmed

...Petitioner in W.P.No.23496/2023

Vs.

1.The Commissioner
Pernambut Municipality Office
Pernambut, Vellore District.

2.K.Mohammed Thaiyub

...Respondents in all W.P.Nos.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent notice bearing Na.Ka.No.230/2019/F1 dated 31.07.2023



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and quash the same and to direct the first respondent to make re-inspection of the building situated at Door No.235/01, Bazaar Street, Pernambut 635 810, Vellore District with the help of a qualified Engineer from the Department of PWD.

For Petitioners in
all W.P.Nos. : Mr.M.Jaikumar

For Respondents in
all W.P.Nos. : Mrs.S.Anitha for R1
Special Government Pleader
Mr.K.P.Chandrasekaran for R2

COMMON ORDER

These Writ Petitions are filed by the petitioners challenging the notice issued by the first respondent calling upon the petitioners to vacate the building to enable the first respondent to demolish the building.

2. It is the case of the petitioners that they are all tenants of the building which belongs to the second respondent herein. Earlier the second respondent filed a Writ Petition before this Court in W.P.No.17134 of 2023 seeking a direction to the first respondent to consider his representation for



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demolition of the building on the ground it was in dilapidated condition. The said Writ Petition was disposed of by directing the first respondent to issue a notice to the tenants informing them about the condition of the building and take a decision with regard to the demolition after hearing them. In pursuance of the directions issued by this Court, the impugned notice said to have been issued by the first respondent directing the petitioners to vacate the premises to enable the first respondent to carryout the demolition work.

3. A reading of the impugned order would suggest that the petitioners have not submitted any certificate to prove the structural stability of the building and therefore, the impugned notice has been issued to the petitioners calling upon them to vacate the premises. However, it is not clear how the first respondent came to the conclusion that the building was in dilapidated condition requiring immediate demolition.

4. In such circumstances, the first respondent is directed to get an opinion from the Structural Engineer of the Public Works Department about the condition of the building within a period of three weeks from the date of receipt of copy of this order. If the Structural Engineer submits an opinion that



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the building is in dilapidated condition and it requires immediate demolition, then it is open to the first respondent to take further action in pursuance of the impugned notice. On the other hand, if the Structural Engineer submits a report stating that the building is in good condition and it need not be demolished immediately, the impugned notice shall not be proceeded further.

5. With the above observations, these Writ Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

08.09.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
dna



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To

The Commissioner
Pernambut Municipality Office
Pernambut, Vellore District.



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S.SOUNTHAR, J.
dna

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