



W.P.No.27254 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.1.2023

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THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.27254 of 2021

1 A.James ... Petitioner

Vs.

1 The Commissioner,
Coimbatore Corporation, Coimbatore - 1.

2 The Assistant Commissioner,
Coimbatore Central Zone, Coimbatore - 18.

3 K. Subramaniam ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1 and 2 respondent to take necessary steps to demolish the dangerous building of the writ petitioner.

For Petitioner : Mr.J.Kingsleen
For Respondents 1 & 2 : Mr.Najeeb Usman Khan
For Respondent No.3 : Mr.Elizabeth Ravi

ORDER

The grievance of the petitioner is to demolish the dangerous building of the petitioner. According to the petitioner, the building is in dilapidated condition and it may fell down at any time.



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2. According to the counsel appearing for the respondents 1 and 2, though the respondent has granted permission to the petitioner to demolish the building, there is a dispute between the petitioner and the third respondent who is a tenant and he also obtained permanent injunction against the petitioner.

3. Counsel appearing for the third respondent has submitted that the third respondent who is a tenant also filed a suit in O.S.No.930 of 2010 and he is running tailoring shop in the building and therefore opposed the writ petition.

4. It appears that mainly there is a dispute between the landlord and tenant. Suit is also filed against the petitioner not to evict the tenant/third respondent herein without due process of law. If at all the petitioner's property is in dilapidated condition, he ought to have filed an appropriate application for eviction of the tenant and reconstruction of the building, however, he has not done so.

5. Such view of the matter, a blanket order cannot be passed by this Court. It is well open to the petitioner to take appropriate action as per law. With the above observations, the writ petition stands dismissed. No costs.

20.1.2023

Speaking/Non Speaking order
Neutral citation: Yes/No
Index: Yes/No
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WEB COPY

To

- 1 The Commissioner, Coimbatore Corporation, Coimbatore - 1.
- 2 The Assistant Commissioner, Coimbatore Central Zone, Coimbatore - 18.



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N.SATHISH KUMAR, J.

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