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W.P.No.31181 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 31181 of 2019
and W.M.P.No.31312 & 31315 of 2019

P.Oosman Basha

.. Petitioner

Versus

1.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Nagarajan Maaligai
Egmore, Chennai – 8

2.The Commissioner
Corporation of Chennai
Rippon Building, Chennai – 600 001

3.The Executive Engineer
Zonal Office – 5
Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai – 600 021

4.O.S.Abdullah

5.M/s.Syndicate Bottles Pvt. Ltd
Rep by its Director, Mr.A.Rahul
No.17,E.K.Guru Street
Periamet, Chennai – 600 003
(R5 Impleaded as per Order dated 06.02.2020 made
in W.M.P.No.3347 of 2020 in W.P.No.31181/2019)

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to take suitable action on the petitioner's representation dated 28.09.2019 seeking to demolish dangerous/hazardous superstructure bearing Door No.17, O.S.Building at E.K.Guru Street, Periamet, Chennai – 600 003 which is likely to cause danger to the petitioner's life and property and inhabitants.

For Petitioner : Mr.N.S.Sivakumar
For Respondents : Mrs.P.Veena Suresh for R1
Mr.G.T.Subramanian for R2&R3
Mr.V.Vasanthkumar for R4

ORDER

This Writ Petition has been filed seeking to direct the respondents 1 and 2 to take suitable action on the petitioner's representation dated 28.09.2019 seeking to demolish dangerous/hazardous superstructure bearing Door No.17, O.S.Building at E.K.Guru Street, Periamet, Chennai – 600 003 which is likely to cause danger to the petitioner's life and property and inhabitants.

2. It is the case of the petitioner that he is the neighbor of the building bearing Door No.17, O.S. Building at E.K.Guru Street, Periamet, Chennai – 600 003, which is in dilapidated condition as it may collapse at any time endangering lives of the neighbouring house owners. In this regard, he had made several representations to the respondents to demolish the subject



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building, despite the same, the representations are pending without consideration till date. Hence, this petition.

3. The counsel for the third respondent Corporation submitted, in fact, the building is in dilapidated condition that require immediate demolition. However, since, the respondents 4 and 5 are in due of arrears and also not coming forward to bear the expenses to demolish the building, they could not demolish the building.

4. The counsel for fourth respondent would submitted that if the Corporation issues notice, indicating the nature of arrears, they will remit the same. Such statement is recorded.

5. Heard both sides and perused the materials placed on record. Considering the plight of the petitioner as well as the neighbouring land owners, this Court is of the view that as the building itself is in dilapidated condition, there shall be a direction to the Third Respondent Corporation to take action on the representation of the petitioner dated 28.09.2019 within a period of one month from the date of receipt of a copy of this Order.



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6. Besides, the Corporation is also at liberty to recover the arrears for the rent as well as the demolition charges from the fourth and fifth respondents as per law. The statement of the learned counsel for the fourth respondent's willingness to pay the arrears is also recorded.

7. In view of the above, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2023

dhk

Index : Yes / No

Neutral Citation : Yes/No

Speaking Order : Yes / No

To

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3.The Executive Engineer
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N.SATHISH KUMAR, J.



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