



W.P(MD)No.908 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.908 of 2023

Sengamedu Seshagirirao Vyasaraaj

... Petitioner

Vs

1.The Commissioner,
Tiruchirapalli City Corporation,
Bharathidasan Salai,
Tiruchirapalli - 620 006.

2.The Joint Commissioner,
Tiruchirapalli City Corporation,
Bharathidasan Salai,
Tiruchirapalli - 620 006.

3.S.Rengarajan
4.S.Sathyamurthy
5.S.Jayalakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to take appropriate legal action, with respect to the property bearing No.184 West chitra street, Srirangam so as ensure safety to life and limb of the inmates and neighbors of the said property, by initiating appropriate action for demolition of the said dangerous building under Thiruchirapalli Municipal Corporation Act or under any other law for the time being in force.



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For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.Kishore Ram
for M/s.R.B.Associates
for R.1 & R.2

Mr.T.Leninkumar for R.3 to R.5

ORDER

Heard the learned counsel on either side.

2.The petitioner complains that the petition mentioned residential buildings have become old and dilapidated and unfit for human habitation. He wants the Corporation to take action on his representation for demolishing the same.

3.The learned counsel appearing for the private respondents sought time to file counter affidavit. He alleged that the petitioner had put up an unauthorised construction and since the private respondents obtained interim injunction, the present writ petition has been filed as a counter blast. The writ petitioner might as well have motive for filing the writ petition. But then on that account I cannot nonsuit him. The petitioner has given a representation that the existence of the old structure is having safety implications. The corporation authority has to necessarily enquire into the matter. I make it clear that I have not gone into the merits of the matter. I have not given any positive direction



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for demolition as such. I am only calling upon the first respondent to enquire into the petitioner's application and pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent shall hear the private respondents and other affected persons before passing any order. The Corporation authority has to necessarily satisfy himself about structural soundness before passing any order.

4.This writ petition is disposed of accordingly. There shall be no order as to costs.

14.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Commissioner,
Tiruchirapalli City Corporation,
Bharathidasan Salai,
Tiruchirapalli - 620 006.

2.The Joint Commissioner,
Tiruchirapalli City Corporation,
Bharathidasan Salai,
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G.R.SWAMINATHAN, J.

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