



W.P(MD)No.439 of 2023

WEB COPY

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.439 of 2023

and

W.M.P(MD) No.404 of 2023

M/s.Krishna Aqua Pure
Rep. through its Proprietor, Mr. K. Suresh,
S/o.V.A. Krishnasamy,
No. 6-1-82A, Thangamani Nagar,
Uppukottai Vilakku,
Cumbum Road,
Veerapandi,
Theni

... Petitioner

Vs.

1.The Executive Officer
Veerapandi Selection Grade Town Panchayat,
Theni District.

2.T.Karunaisamy

3.V.Sundaram

4.The Competent Authority,
Food Safety and Standards Authority of India,
Theni District,
Theni.

(R4 is Suo Motu impleaded vide Court Order, dated 20.02.2023)

... Respondents



W.P(MD)No.439 of 2023

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the order passed by first respondent, dated 02.01.2023 in Na.Ka.No.325/2022 pasted on the factory premises of the petitioner and quash the same.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.K.Sekar - for R2

Mr.N.Ganesh - for R3

Mr.K.R.Laxman - for R4

Standing Counsel

No Appearance - for R1

ORDER

Heard the learned counsel appearing on either side

2. The petitioner is a lessee occupying the petition mentioned premises. The second respondent was the original landlord. He had subsequently sold the property in favour of the third respondent. The local body has issued notice to the third respondent calling upon the third



W.P(MD)No.439 of 2023

WEB COPY

respondent to demolish the building in question. Since that would directly impinge his rights, the petitioner has filed the present writ petition.

3. Allegations and counter allegations have been made. The case of the petitioner is that the third respondent, wants to short circuit the eviction process by making the local body to carry out the demolition. The stand of the contesting respondent is that the petitioner even without any licence is illegally using the premises in question and that he is not entitled to the discretionary relief at the hands of Court.

4. I consciously refrain from going into the rival contentions. It would suffice to say that if the building is dilapidated and has become a dangerous structure, the local body is not only entitled to, but also duty bound to demolish the same. However, the foundational facts must be established. The local body can come to such a conclusion only if proper materials are available before them. The report from the structural engineer must be obtained. The Public Works Department would have on their rolls some official who would be competent to give such certificate. The local body can certainly coordinate with such an Engineer and have



W.P(MD)No.439 of 2023

WEB COPY

an inspection conducted. Before conducting such inspection, the petitioner also will be given notice. After getting inputs from the structural Engineer and after holding summary enquiry during which all the interested parties will be associated, final order can be passed. The first respondent shall pass such an order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The impugned order will abide by the outcome of the said proceedings.

5. The writ petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2023

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

RM

To:



W.P(MD)No.439 of 2023

1.The Executive Officer

Veerapandi Selection Grade Town Panchayat,
Theni District.

2The Competent Authority,

Food Safety and Standards Authority of India,
Theni District,
Theni.



WEB COPY



W.P(MD)No.439 of 2023

G.R.SWAMINATHAN, J.

RM

W.P(MD)No.439 of 2023

01.03.2023