



WP(MD)No.17222 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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R.Maheswaran

... Petitioner

v.

1.The Commissioner,
Trichy City Corporation,
Promenade Road,
Trichy – 1,
Trichy District.

2.The Assistant Commissioner,
Srirangam Zone,
Trichy City Corporation,
Srirangam,
Trichy – 6,
Trichy District.

3.S.Sudha

4.G.Revathi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus directing the respondents 1 & 2 to



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take appropriate action on the order made in No.F1/3942/2021 on the file of the second respondent dated 01.12.2021 within a stipulated time limit, based on the petitioner's representation dated 18.12.2021 and reminder dated 28.07.2022.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.Sri Prasad
for M/s.R.B.Law Associates
for R.1, R.2

No appearance
for R.3, R.4

ORDER

According to the petitioner, the subject property belongs to him and the respondents 3 & 4, as tenants, are doing some business therein. The second respondent, after an inspection, has issued a demolition notice dated 25.08.2021 to the petitioner stating that the wall of the building is in a dilapidated condition and therefore, directed him to demolish the dilapidated portions. Challenging the demolition notice, the respondents 3 & 4 have filed a suit in O.S.No.500 of 2021 before the III Additional District Munsif Court, Trichy, as against the petitioner and the Corporation. The suit is pending



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consideration and there is no interim order in that suit. In the meantime, the second respondent has issued another demolition notice dated 01.12.2021.

2.Learned Counsel for the petitioner submitted that in case if any damage is caused by the dilapidated building, then the petitioner would be solely liable. Therefore, the petitioner is ready to demolish the dilapidated portion, however, the respondents 3 & 4 are not allowing him to do so, even though there is no interim order in the suit. Therefore, the petitioner has made a representation to the second respondent requesting to demolish the dilapidated building and further expressed his willingness to pay the required charges. Since no action is forthcoming on the said representation, the petitioner has moved this writ petition.

3.Learned Counsel for the respondents 1 & 2 submitted that the further course of action could be taken only after getting a report from the Corporation Engineer.

4.There is no representation for the respondents 3 & 4.



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WEB COPY 5. Considering the submissions made by the respective parties and the fact that there is no interim order in the pending suit, this writ petition stands disposed of with a direction to the respondents 1 & 2 to take a decision on the petitioner's representation, on merits and in accordance with law, by providing due opportunity of hearing to the parties concerned and of course, after getting an opinion from the Municipal Engineer and proceed further. No costs.

Index : Yes / No
NCC : Yes / No
gk

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B.PUGALENDHI, J.

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