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W.P.(MD)NO.25160 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25160 of 2023

G.Arumugam

... Petitioner

Vs.

1. The Municipality,
Pudukkottai,
Rep. by its Commissioner.

2. Subramanian @ ANST.Mani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to initiate appropriate action under the provisions of Section 218 of the Tamil Nadu District Municipalities Act, 1920 in respect of the dilapidated building situated in T.S.NO. 4654, at East 6th Street, Pudukkottai District and demolish the same by considering the petitioner's representation dated 21.09.2022.

For Petitioner : Mr.R.Maheswaran

For R-1 : Mr.S.Kameswaran

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the first respondent.

2. The second respondent could not be served.

3. The petitioner's case is that the adjacent building is in dilapidated condition and that it is posing grave danger to the personal safety of the petitioner as well as the structural stability of his house. The petitioner gave representation to the first respondent in this regard.

4. Section 218 of the Tamil Nadu District Municipalities Act 1920 reads as follows:-

“218. Precautions in case of dangerous structures .— (1) If any structure appears to the Executive Authority to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures, the executive authority may, by notice, require the



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owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the executive authority shall himself, before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a -part of any street, or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in Section 344.

(3) If in the opinion of the executive authority, the said structure is imminently dangerous to the inmates thereof, the executive authority shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer."

5. The first respondent has statutory duty to demolish the dangerous structures. The first respondent is directed to



hold an enquiry in this regard. Notice will be issued to the second respondent. If the first respondent is satisfied that the building is in dangerous condition, it shall be demolished. I make it clear that I have not given any factual finding on the structural stability of the building in question. That is to be found out by the first respondent after holding enquiry. The entire exercise will be completed within a period of ten weeks from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly.

6. If the Municipality is satisfied that the building is to be demolished and if any private party attempts to prevent the municipal officials, police aid can be taken to enforce the demolition order. It is open to the Municipality to collect the cost of demolition from the second respondent. No costs.

03.11.2023

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

The Commissioner.
The Municipality,
Pudukkottai,



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G.R.SWAMINATHAN,J.

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