



W.P(MD)No.29173 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.29173 of 2022

Muneeswari

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Block Development Officer(VP)
Usilampatti Panchayat Union,
Madurai District.

3.The Panchayat President,
Thottappanayakkanur Village,
Usilampatti Taluk,
Madurai District.

4.Thangavelu
(R4 is impleaded vide Court order dated 25.01.2023 in
W.M.P(MD)No.1110/2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to give permission to demolish the petitioner's house property due to the dilapidated condition in Survey No.580/1 and D.No.16/1 Thottappanayakkanur Village, Usilampatti Block, Madurai District.



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For Petitioner : Mr.J.Gunaseelan Muthiah
For R1 & R2 : Mr.J.Ashok,
Additional Government Pleader
For R3 : Mr.C.Baskaran
For R4 : Mr.P.Prakash

ORDER

This writ petition has been filed in the nature of a mandamus seeking a direction to the second and third respondents to grant permission to the petitioner to demolish his house property, since it is a dilapidated condition and situated in S.No.580/1 and D.No.16/1 Thottappanayakkanur Village, Usilampatti Block, Madurai.

2.The petitioner is the owner of the property. In the representation given, dated 17.11.2022 to the second and third respondents herein, she had stated that the house is in a dilapidated condition and she fears that it may collapse at any moment. The fourth respondent had been impleaded by a Court order dated 25.01.2023. He is only a tenant in the portion. He cannot claim any additional right when the building is in a dilapidated condition. The petitioner is directed to give a proper application seeking demolition and reconstruction of the house.

3.In the first instance, for demolition, necessary application may be filed.



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Necessary charges may be paid. If such permission is granted, after following due procedure by the second and third respondents, the fourth respondent will necessarily have to vacate the premises. The petitioner may therefore give necessary application and when it is given, the second and third respondents may process the same and pass necessary orders in the manner known to law.

4. With the above direction, this Writ Petition is disposed of. No costs.

14.06.2023

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

To

1. The District Collector,
Madurai District,
Madurai.
2. The Block Development Officer(VP)
Usilampatti Panchayat Union,
Madurai District.
3. The Panchayat President,
Thottappanayakanur Village,
Usilampatti Taluk,
Madurai District.



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C.V.KARTHIKEYAN, J.

Ns

W.P(MD)No.4693 of 2023

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