



W.P.No.2509 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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and W.M.P.Nos.2919, 2921 & 5510 of 2020

1. S.Sayad Musthafa
2. M.E.Mohammed Gulab
3. G.Thambi Durai
4. Jayanth
5. K.Arumugam
6. R.Shanmugasundaram
7. N.Vijayan

...Petitioners

-Vs-

1. The Commissioner
Coimbatore City Municipal Corporation,
Coimbatore.
2. S.K.Boopathy Yadav
3. M.S.Maruthachalam
4. The Standing Committee cum
Appellate Authority,
Coimbatore City Municipal Corporation,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus, to call for the records in the order issued under Section 327 of Coimbatore City Municipal Corporation Act, 1981 dated 27.01.2020 of the first respondent and



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quash the same and further direct the fourth respondent to dispose off the appeal filed before the said forum on 09.01.2020.

For Petitioners : Mr.J.Kingsly Solomon
For Respondents
For R1 : Mr.Najeeb Usman Khan
Standing Counsel
For R2 : Mr.M.Guruprasad
For R3 : No appearance

ORDER

This writ petition has been filed challenging the impugned notice dated 27.01.2020, thereby directed the petitioners to demolish the building situated in Ward No.94, Door Nos.278 to 285, near S.B.Towers, Pollachi Main Road, Sundarapuram, Coimbatore, belongs to the respondents 2 & 3 herein.

2. The petitioners are tenants of the shops comprised in S.F.No.109/93 situated at Ward No.94, Door Nos.278 to 285, near S.B.Towers, Pollachi Main Road, Sundarapuram, Coimbatore. Originally, the subject property belongs to one Sengappakonar, who is the father of the respondents 2 & 3. The third respondent is claiming rights over the property based on the Will executed by the said Sengappakonar in his favour. On the strength of the Will, the third



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respondent filed suit in O.S.No.26 of 2015 on the file of the IV Additional District Judge, Coimbatore, for partition. The second respondent also filed suit in O.S.No.1570 of 2015 before the same Court for injunction restraining the petitioners from paying rent to the third respondent.

3. While pending the above suits, on the application, the first respondent inspected the subject premises and found that it is in dilapidated conditions and it should be demolished to safe guard the general public. In fact, the petitioners also filed appeal as against the order of demolition before the fourth respondent and it is pending. While pending the appeal, the petitioners approached this Court by way of this present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. The petitioners are being tenants and occupiers of the subject premises have objected the demolition of the subject premises.



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On perusal of records revealed that, admittedly the subject premises is in dilapidated conditions and it is more than 65 years old. In order to safeguard the persons, who visited the shops and other general public, the first respondent ordered to demolish the entire building. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. In view of the dismissal of the writ petition, nothing survive in the appeal filed by the petitioners pending before the fourth respondent. The first respondent is directed to proceed in accordance with law as per the order 27.01.2020. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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WEB COPY To

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.
2. The Standing Committee cum
Appellate Authority,
Coimbatore City Municipal Corporation,
Coimbatore.



WEB COPY



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G.K.ILANTHIRAIYAN. J,

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