



W.P.No.4264 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4264 of 2024

V.N.Venkata Krishnan

.. Petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation, Ripon Building
Chennai – 600 003.

2. The Executive Engineer
Zone – IX, No.8, 4th Cross Street
Nungambakkam, Chennai – 600 034.

3. A.Mohamed Sulaiman

4. Mohamed Yusuf

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 and 2 to take necessary action against the badly dilapidated house that is situated on the western side of petitioner house and immediate action in demolishing these weak structures / removing encroachments by the respondents 3 and 4 herein, considering the petitioners representation dated 06.07.2023 on merits and in accordance with law.



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For the Petitioner : Mr.N.Najeeb Usman Khan

For the Respondents : Mr.A.Arun Babu
Standing Counsel
for R1 and R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.N.Najeeb Usman Khan, learned counsel for the petitioner and Mr.A.Arun Babu, learned Standing Counsel for respondents 1 and 2.

2. The petitioner and respondents 3 and 4 seem to be at loggerheads. The petitioner has already filed a suit against respondents 3 and 4 for mandatory injunction and perpetual injunction. The mandatory injunction is sought so as to remove the construction on the ground that they have encroached upon the petitioner's premise. Now, the present writ petition is filed on the ground that the construction of the respondents 3 and 4 is in a dilapidated condition. On record, there is no certificate issued by Structural Engineer so as to conclude about the petitioner's contention.



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3. The Corporation is responsible to conduct survey of the dilapidated condition of the construction. It is for the Corporation to take necessary steps, as may be permissible under law and after adhering to the principles of natural justice.

4. The writ petition, as such, stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

22.02.2024

Index : Yes/No

Neutral Citation : Yes/No

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(drm)

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