



WEB COPY



W.P. No. 7782 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7782 of 2024

Jamuna

... Petitioner

-VS-

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai – 600003.
2. The Regional Deputy Commissioner (North)
Greater Chennai Corporation
Zone-5, Royapuram.
4. The Assistant Engineer
Zone – 5, Greater Chennai Corporation
Bassin Bridge, Old Washermenpet
Chennai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents to demolish the building at Old No. 62, New No. 163, Kathbaba Main Road, Old Washermenpet, Chennai – 21, pursuant to notice dated 26.09.2023 in Z.O.5.C. No./9355/2023 issued by the Second Respondent.

For Petitioner : Mr. V.V.Sairam

For Respondents : Mr. D.B.R.Prabu



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ORDER

WEB COPY Heard Mr. V.V.Sairam, Learned Counsel for the Petitioner and Mr. D.B.R.Prabu, Learned Counsel who takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First to Third Respondents to demolish the building situate at Old No. 62, New No. 163, Kathbaba Main Road, Old Washermenpet, Chennai, pursuant to Notice in Z.O.5.C. No./9355/2023 dated 26.09.2023 issued by the Second Respondent under Section 258 of the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as 'the Act' for short), requiring the Petitioner to take action to fence off, take down, secure, repair or demolish the existing structure to prevent from any danger within a period of 15 days from the date of receipt of that notice.

3. As rightly pointed out by Learned Counsel appearing for the Respondents that as a tenant is now in occupation of the said property belonging to the Petitioner, it is incumbent upon her to follow the prescribed procedure under the relevant statutory provisions for terminating the lease and evict him from that property and thereafter make an application under Section



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133 of the Tamil Nadu Urban Local Bodies Act, 1998, which has come into force with effect from 13.04.2023, for demolition of the building in the property. In the absence of the Petitioner complying with those statutory requirements, the Respondents cannot be faulted for not taking action in furtherance to the earlier notice sent by the Second Respondent.

4. In that backdrop, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure, and he has made an endorsement to that effect in the court record.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. No costs.

25.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 23.04.2024.

Maya

To

1. The Commissioner



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Corporation of Chennai
Rippon Building
Chennai – 600003.



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2. The Regional Deputy Commissioner (North)
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Zone-5, Royapuram.

4. The Assistant Engineer
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P.D. AUDIKESAVALU, J.

Maya

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