



W.M.P.No.13416 of 2024  
in W.P.No.23807 of 2023

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**in**  
**W.P.No.23807 of 2023**

**S.S. SUNDAR, J.**  
**and**  
**N. SENTHILKUMAR, J.**

[Order of the Court was made by **S.S. SUNDAR, J.**]

This petition is filed to implead the petitioners as respondents in W.P.No.23807 of 2023.

2.The petitioners filed this petition as persons interested in the property. It is the case of the petitioners that the writ petition is filed as if the property is a Wakf property and that the writ petitioner does not have any right over the property. The prayer in the writ petition is to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to demolish and remove the dilapidated, dangerous structure in the property. In short, the writ petition is for removal of unauthorized construction put up by the 4<sup>th</sup> respondent.

3.Having regard to the nature of issue to be decided in the writ petition, the petitioners, who are third parties disputing the title of the



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writ petitioner, need not be a party. Question is whether the building which is in occupation of 4<sup>th</sup> respondent as tenant under the writ petitioner is unauthorized and is in dilapidated condition warranting immediate demolition in accordance with the provisions of the Tamil Nadu Urban Local Bodies Act, 1998. In view of the same, this Court finds no merit in this petition. The petitioners cannot be impleaded to enlarge the scope of the writ petition. There is no issue between the writ petitioner and the 4<sup>th</sup> respondent regarding title. When the 4<sup>th</sup> respondent, who is in possession, has admitted the title of the petitioner, this Court is of the view that this petition is filed with ulterior motive.

4.Hence, this Writ Miscellaneous Petition is dismissed. However, liberty is preserved to the petitioners to adjudicate their rights against the writ petitioner elsewhere.

**(S.S.S.R., J.)      (N.S., J.)**  
**30.04.2024**  
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