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W.P.No.12588 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12588 of 2024

G. Arunkumar

...Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Park Town,
Chennai – 600 003.

2. The Zonal Officer,
Greater Chennai Corporation,
Zone-1 (Thiruvottiyur),
No.947, Thiruvotriyur High Road,
Sathyamurthy Nagar, Raja Kadai,
Thiruvotriyur,
Chennai – 600 019.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to demolish the dilapidated building in dangerous condition at Door No.95, Mettu Street, Sathanagadu, Thiruvottiyur, Chennai – 600 019, in compliance with the notice Proc.No.Z01.C.No/05324/2022 dated 21.11.2022 issued



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by the second respondent by considering petitioner's representation dated 30.10.2022 and 12.02.2024 and pass orders.

For Petitioner : Mr. P. Krishnan
For Respondents : Mrs.P.T. Ramadevi
Standing counsel

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to consider the petitioner's representation dated 30.10.2022 and 12.02.2024 and pass orders.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner and one V.Senthil Kumar and his wife Megala Senthil Kumarar are in joint and constructive possession and enjoyment of 1/3rd of the subject property. The entire building is totally unsafe for living as the same is in very dilapidated condition. Hence, the petitioner gave a representation to the second respondent on 30.10.2022 to submit a stability certificate in respect of the



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disputed building. Pursuant to which the second respondent conducted inspection and issued a notice in Proc.No.Z01.C.No./05324/2022 dated 21.11.2022 under Section 258 of the Chennai City Corporation Act, 1919 directing the residents of the subject property to de-occupy the building which are in ruinous state/dangerous condition. However, the residents of the subject property have not complied with the notice dated 21.11.2022 and vacated the building. Hence, the petitioner sent a reminder on 12.02.2024. However, the same was not considered till date. Hence, this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to take action on the reminder sent by the petitioner to the respondents on 12.02.2024.

5. The learned standing counsel appearing for the respondents submitted that the subject property belongs to three persons and they should be added as a party in this writ petition. He further submitted that however, action was taken against the representation given by the petitioner and notice was also ordered to the residents to de-occupy the



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building which are in ruinous state/ dangerous condition.

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6. Considering the facts and circumstances of the case this Court directs the second respondent to issue notice to other parties who have interest over the subject property and thereafter pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the all the parties,

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
smn



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To

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V.BHAVANI SUBBAROYAN,J.



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