



W.P.No.8057 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.8057 of 2024

N.Anwar Hussain
Represented by his Power Agent
N.Anwar Sadath

... Petitioner

Vs.

1.The Commissioner,
Pollachi Municipality,
Pollachi.

2.N.Saaliheen

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent herein to consider the representation of the petitioner dated 12.01.2022 and consequently, to direct the 1st respondent to take action against the 2nd respondent herein for the unauthorised demolition committed by him in T.S.No.468/3A1C 47 in Pollachi Town to an building extent of 3000 sq.ft.



W.P.No.8057 of 2024

WEB COPY

For Petitioner : Mr.S.Haja Mohideen Gisthi

For R1 : Mr.B.Anand
Standing Counsel

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation, dated 12.01.2022, and consequently, to direct the 1st respondent to take action against the 2nd respondent for the unauthorised demolition of the petitioner's building.

2.The petitioner has come forward with this writ petition making serious allegations against the 2nd respondent, who according to the petitioner, had pulled down the building put up by the petitioner and caused severe damage. The petitioner himself admits that he has filed a Civil Suit and this Court, from the affidavit filed in support of this petition, is unable



W.P.No.8057 of 2024

to know whether the suit is in relation to the property which is demolished or in relation to a different property. Assuming that the suit is in relation to a different property, the question is whether the 1st respondent is under any legal obligation or competence to consider the representation which is only to take action against the 2nd respondent, who according to the petitioner, had unlawfully demolished the petitioner's building. This Court finds no statutory provision that would enable the 1st respondent to take action against the 2nd respondent for the allegations the petitioner has made against the 2nd respondent. It is under such circumstances, in the absence of any statutory provision for the 1st respondent to consider the representation, this Court finds that this writ petition is devoid of merits.

3. Therefore, this writ petition is dismissed. No costs.

(S.S.S.R., J.) (N.S., J.)
27.03.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



WEB COPY



W.P.No.8057 of 2024

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

mkn

To

The Commissioner,
Pollachi Municipality,
Pollachi.

W.P.No.8057 of 2024