



WEB COPY



W.P.No.13048 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13048 of 2024
and W.M.P.No.14212 of 2024

Minor.K.Lokeshwaran
represented by his Mother and
Natural Guardian
K.Sulochana

... Petitioner

-Vs-

1. The Commissioner Greater Chennai
Corporation Ripon Building,
Chennai 600 003.
2. The Assistant Commissioner,
Zone – 7, Ambattur Corporation,
Ambattur, Chennai – 600 053.
3. The Executive Engineer,
Zone – 7, Ward No.79,
Ambattur Corporation, Ambattur,
Chennai – 600 053.
4. The Assistant Engineer,
Zone – 7, Ward No.79, Bank Street,
Ambattur Corporation, Ambattur,
Chennai – 600 053.
5. S.Dhaksanamoorthy
6. Karunanithi
7. Minor Kumaresan



W.P.No.13048 of 2024

represented by his father and
Natural Guardian

S.Saravanamurthy

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to direct the third respondent to demolish the dilapidated building of the 5th Respondent situated at Building “B”, Door No.21/9, T.S No.68, S.No.603 / 2A1A, Redhills Road, Thiruvallur within a time frame as stipulated by this Honourable Court.

For Petitioner	: Mr.Hassan Ali K
For R1 to R4	: Mr.D.B.R.Prabhu, Standing Counsel
For R5	: Mr.S.Saranraj
For R6	: Mr.S.Doraisamy
For R7	: Mr.N.Saravanan

ORDER

This writ petition has been filed for direction directing the third respondent to demolish the dilapidated building of the 5th Respondent situated at Building “B”, Door No.21/9, T.S No.68, S.No.603 / 2A1A, Redhills Road, Thiruvallur within a time frame as stipulated by this Honourable Court.

2. Heard both sides and perused the materials available on record.

3. The petitioner and the respondents 5 to 7 herein are family members. After the demise of the petitioner's husband, the property comprised in S.No.603/2A4A, to an extent of 5196 sq.ft situated at Ambattur Village was



W.P.No.13048 of 2024

originally belonged to her father-in-law and he had executed a Will dated 17.09.2012 registered vide Document No.102/2012. As per the Will, the petitioner and the respondents 5 to 7 are having equal share in the subject property. As far as the petitioner and the 5th respondent are concerned, they had already demolished their share in the subject property. However, the 6th and 7th respondents are not co-operating to demolish the property. The remaining building was also rented out to one Tea Shop named “Teabon”.

4. While being so, the petitioner submitted a representation to the third respondent to demolish the share of the 5th respondent as it is in dilapidated condition. The petitioner also produced photographs. The 6th respondent produced a stability certificate obtained from a private Engineer as that of the subject building has stability and also rented out to a Tea Shop.

5. The learned standing counsel for the respondents 1 to 3 submitted that on the basis of the stability certificate issued by the private Engineer, the stability of the building cannot be ascertained.

6. In view of the above, the third respondent is directed to obtain a



W.P.No.13048 of 2024

stability certificate, after inspection of the subject building by the concerned authority such as Chief Engineer, Buildings, Public Works Department or Structural Engineer from Anna University, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, as per the stability certificate, the third respondent is directed to act on the representation submitted by the petitioner, within a period of four weeks thereafter.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

12.08.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



W.P.No.13048 of 2024

WEB COPY To

1. The Commissioner Greater Chennai Corporation Ripon Building,
Chennai 600 003.
2. The Assistant Commissioner,
Zone – 7, Ambattur Corporation,
Ambattur, Chennai – 600 053.
3. The Executive Engineer,
Zone – 7, Ward No.79,
Ambattur Corporation, Ambattur,
Chennai – 600 053.
4. The Assistant Engineer,
Zone – 7, Ward No.79, Bank Street,
Ambattur Corporation, Ambattur,
Chennai – 600 053.



WEB COPY



W.P.No.13048 of 2024

G.K.ILANTHIRAIYAN. J.

mn

W.P.No.13048 of 2024

12.08.2024