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W.P.No.23804 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM:

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

W.P.No.23804 of 2021

M.Balaji

...Petitioner

-Vs-

1. The District Collector,  
Kallakurichi District,  
Kallakurichi.
2. The Executive Officer,  
Manalurpet Town Panchayat,  
Manalurpet,  
Thirukoilur Taluk,  
Kallakurichi District.
3. The Tahsildar,  
Thirukoilur Taluk,  
Kallakurichi District.
4. Lakshmi
5. Balamurugan
6. Vijaya @ Vijayalakshmi  
(R6 impleaded vide order dated  
06.12.2021 made in W.M.P.No. 26657  
of 2021 in W.P.No.23804 of 2021)

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Mandamus, directing the official respondents 1



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to 3 herein to demolish the building situated at Survey No.56/1, Door No.19, Sathira Veethi Manalurpet Village, Thirukoilur Taluk, Kallakurichi District as early as possible based on the petitioner's representation dated 26.09.2021.

For Petitioner : Mr.C.Munusamy  
For Respondents  
For R1 to R3 : Mr.N.Naveen Kumar  
Government Advocate  
For R4 & R5 : Mrs.Rita Chandrasekaran  
For M/s.Iyer and Dolia

### **ORDER**

This writ petition has been filed for direction directing the respondents 1 to 3 herein to demolish the building situated at Survey No.56/1, Door No.19, Sathira Veethi Manalurpet Village, Thirukoilur Taluk, Kallakurichi.

2. The petitioner is having 4/5<sup>th</sup> share in the property to an extent of 1800<sup>3</sup>/<sub>4</sub> sq.ft., comprised in Survey No.56/1 situated at Door No.19, Sathira Veethi, Manalurpet Village, Thirukoilur Taluk, Kallakurichi District, by way of settlement deed dated 18.11.2020 registered vide document No.2491 of 2020. The remaining 1/5<sup>th</sup> share owned by one Kumarasamy and he died leaving behind his wife Vijaya @ Vijayalakshmi. They have no issues. Now the respondents 4 and 5



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squatted over the property on the pretext that they are entitled to have 1/5<sup>th</sup> share as if they are the legal representation of the deceased Kumarasamy. Though the petitioner has no grievance in respect of 1/5<sup>th</sup> share is concerned, the building is aged about more than 70 years old and it is highly dilapidated condition and it may collapse any time. Therefore, the neighboring houses also compliant about the same and it may cause risk to the human life. Therefore, the petitioner submitted representation to the respondents 1 to 3 to demolish the dilapidated condition building situated at Door No.19, Sathira Veethi, Manalurpet Village, Thirukoilur Taluk, Kallakurichi District.

3. The respondents 4 & 5 filed counter and the learned counsel appearing for the respondents 4 & 5 submitted that the fourth respondent is the deceased Kumarasamy and though the fourth respondent, fifth respondent born to Kumarasamy and they owned 1/5<sup>th</sup> share in the subject property. Now they are living in the house and the building is not in the dilapidated condition. In order to evict the respondents 4 & 5, the petitioner is using the short cut method to demolish the entire building.



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4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. As directed by this Court, the second respondent inspected the subject premises and filed report dated 16.06.2022. According to the said report, the subject building is in dilapidated condition and it is not supported to stand. However, it is disputed by the learned counsel appearing for the respondents 4 & 5. Though the subject premises is in dilapidated condition, the petitioner is not in possession of the subject premises. Admittedly, the respondents 4 & 5 are in possession of the subject property. Further as per the report submitted by the second respondent it is in dilapidated condition and it is risk for the human life.

6. In view of the above discussions, the second respondent is directed to inspect the subject premises once again and submit report before the third respondent within a period of four weeks from the date of receipt of a copy of this Order. On receipt of the same, the third respondent is directed to issue notice to the petitioner and also the



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respondents 4 to 6 herein and after giving them an opportunity of hearing, pass appropriate orders, on the report submitted by the second respondent, within a period of eight weeks thereafter.

7. With the above directions, the Writ Petition stands disposed of. There shall be no orders as to costs.

28.10.2024

Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation : Yes/No

rts

To

1. The District Collector,  
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Kallakurichi.
2. The Executive Officer,  
Manalurpet Town Panchayat,  
Manalurpet,  
Thirukoilur Taluk,  
Kallakurichi District.
3. The Tahsildar,  
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**G.K.ILANTHIRAIYAN. J.**

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