



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P No.21528 of 2017

B.Srinivasan

... Petitioner

-Vs-

1.The Commissioner,
Cuddalore Municipality,
Cuddalore.

2.Kala

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 1st respondent to take action upon the representation of the petitioner dated 24.07.2017.

For Petitioner : Mr. R. Gururaj,

For R1 : Mr.P.Srinivas



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ORDER

This writ petition has been filed in a nature of Mandamus seeking a direction against the 1st respondent, the Commissioner, Cuddalore Municipality, Cuddalore, to act on the representation dated 24.7.2017 given by the petitioner. The entire issue surrounds property at New Door No.65, Old Door No.49, Kamatchi Amman Koil Street, Cuddalore – OT, Cuddalore Taluk, Cuddalore District, which belongs to the petitioner herein.

2.The petitioner had purchased the property by a registered sale deed dated 09.03.2017. It is contended by the learned counsel for the petitioner, that even in the sale deed, the building had been described as being more than 100 years old. It is therefore, contended that the house is in a very dilapidated condition and is unfit for living. It is further contended that the 2nd respondent had entered into possession under an unregistered usufructuary mortgage deed dated 14.05.1995. With respect to the mortgage, the petitioner had filed a suit for redemption which is pending before the Principal District Munsif Court, Cuddalore. But the issue raised



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in the writ petition is about the status of the building, which according to the petitioner is in extremely dilapidated condition. It is for that reason a representation had been given by the petitioner seeking inspection by the 1st respondent and further orders to be passed.

3.A direction is given to the petitioner to give a fresh representation, on or before 29.11.2024 enclosing the earlier representation, since it is highly doubtful whether the representation of the year 2017 would still be available in the office of the 1st respondent. The 1st respondent is directed to act on such representation by issuing notice to the petitioner and also to the 2nd respondent and conduct inspection with the assistance of the certified engineer and act on the basis of such report of the engineer. This exercise of inspection should be completed within a period of three weeks from the date on which a fresh representation is given by the petitioner.

C.V.KARTHIKEYAN, J.



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4. With the above observations, this Writ Petition stands disposed of.

No costs.

15.11.2024

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Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

The Commissioner,
Cuddalore Municipality,
Cuddalore.

W.P No.21528 of 2017