



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

1.R.G.Sartaj Gulnaz Begum

2.R.G.Sikander Baig

3.R.G.Asgar Balg

4.R.G.Shaheena Begum

5.Shafiyanzeen Begum

6.R.G.Afsar Baig

7.R.G.Fazal-E-ElahiBaig .. Petitioners

/versus/

1.The Superintendent of Police,
Thirupathur District,
Thirupathur.

2.The Inspector of Police,
Ambur Police Town Station,
Ambur, Thirupathur District.



W.P.No.29155 of 2024

WEB COPY

3.The District Collector,
Thirupathur District,
Thirupathur.

4.The Commissioner,
Ambur Municipality,
Ambur, Thirupathur District.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to give police protection to the petitioners while evicting the tenants/occupants as per the order so the 4th respondent in his Proc.R.C.No.2650/2023/F1, dated 11.03.2024 to evict the occupants of the entire shops from the petitioners' building which is in a dilapidated conditions of the Shop Door Nos.26A, 26/1,26/2 and 27 in Ward-C, Block 13 Town Survey Nos.131, 132, 133, 134, 140/1(Part) situated in Broad Bazaar, Ambur Town, Thirupathur District.

For Petitioners :Mr.M.Sriram
For Respondents :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)

ORDER

The petitioners are the owners of shop Nos.26, 26A, 26/1, 26/2, 27, 28, 29, 30, 31 and 32 in Broad Bazaar, Ambur, Thirupathur District. Pursuant to the direction issued by this Court in W.P.No.18300 of 2015, the Commissioner of Municipality, Ambur, issued notice to the occupants to show cause why the building should not be demolished since it is in very dilapidated condition.



W.P.No.29155 of 2024

WEB COPY

2. The said notice dated 25.06.2016 was challenged by the occupants of four shops. This Court appointed an Advocate Commissioner, who inspected the building and submitted a Report regarding the condition of the building. Taking note of the fact that in the report the Advocate Commissioner has opined that the building is in dilapidated condition and unfit for human dwelling, the Writ Petitions were dismissed with a direction to the Superintendent of Police, Thirupathur to give adequate protection for evicting the occupants. Four of them evicted and it is now under seal, but rest of the occupants have not vacated and therefore, the petitioners have given a representation to the authorities to provide protection for demolition of the building, which is in dilapidated condition and unsafe for human habitation. Since the police has not acted upon, the present Writ Petition has been filed.

3. The learned Government Advocate (Crl.Side) submitted that the representation alleged to have been sent to the Superintendent of Police, dated 13.08.2024 is not yet received by the second respondent



W.P.No.29155 of 2024

WEB COPY

and necessary action will be taken on the representation based on the High Court direction.

4. Taking note of the above submissions, the petitioner is hereby directed to meet the second respondent, Inspector of Police, Ambur, provide all the Court orders and other documents required and make a fresh representation for eviction and demolition with police protection specifying the date on which the petitioners proposed to carry out the demolition work, as per the order of the Commissioner of Ambur Municipality vide proceedings Na.Ka.No.2650/2023/F1 dated 26.02.2024 and 11.03.2024. On receipt of the said representation, informing the date, the respondent shall provide necessary protection to the petitioners to carry out the demolition work.

5. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

01.10.2024



W.P.No.29155 of 2024

WEB COPY

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/no
ari

To

1.The Superintendent of Police,
Thirupathur District,
Thirupathur.

2.The Inspector of Police,
Ambur Police Town Station,
Ambur, Thirupathur District.

3.The District Collector,
Thirupathur District,
Thirupathur.

4.The Commissioner,
Ambur Municipality,
Ambur, Thirupathur District.

5.The Public Prosecutor, High Court, Madras.



WEB COPY



W.P.No.29155 of 2024

Dr.G. JAYACHANDRAN,J.

ari

W.P.No.29155 of 2024
and
W.M.P.No.31833 of 2024

01.10.2024