



WEB COPY



W.P.No.29329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM:

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

W.P.No.29329 of 2024

Shyamala

... Petitioner

-Vs-

1.Assistant Engineer,
Greater Chennai Corporation,
Mylapore Zone,
Chennai 600 004

2.S.Ramadurai

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, in pursuant of the order dated 24.11.2023 of the first respondent herein, directing the second respondent to cooperate with the demolition of premises.

For Petitioner : Mr.P.Anbarasan

For Respondents

For R1 : Mr.D.B.R.Prabhu,
Standing Counsel

ORDER

This writ petition has been filed for direction to the first respondent to consider the request made by the petitioner seeking



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demolition of the premises in which the petitioner and the second respondent are residing at present.

2. The petitioner and the second respondent are close relatives and they own house property in door No.19, Chitrakulam South Street, Mylapore, Chennai. In fact the second respondent filed suit in OS.No.1019 of 2003 on the file of the VII Additional Judge, City Civil Court, Chennai and final decree was passed on 06.06.2007 thereby allotted 317 sq.ft. in the front portion in favour of the second respondent and 319.14 sq.ft. in the rear portion was allotted along with building thereon and 261.25 sq.ft. of vacant land comprised on varanda, passage, open space in favour of the petitioner's husband. Thereafter, the petitioner's husband died on 15.10.2020. After his demise, the share allotted in his favour devolved in favour of the petitioner and her only son as his legal heirs. Building has been constructed 50 years before and it is in dilapidated condition. Therefore, the petitioner approached the first respondent seeking demolition of the entire building, failing which serious damage can be caused to the human life.

3. In view of the above, the first respondent is directed to



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inspect the subject property in the presence of the petitioner and the second respondent and conduct enquiry after giving them opportunity of hearing and pass orders on the representation submitted by the petitioner seeking demolition of the building within a period of four weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

03.10.2024

Neutral citation: Yes/No

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,

lok

To

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