



WEB COPY



W.P.No.2124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2124 of 2024 and
W.M.P.No.2273 of 2024

Manilal Mehta Charitable Trust,
Rep by its Trustee Mr.Shishir R.Mehta
528, Anna Salai, III Floor,
Teynampet,
Chennai 600 018.

... Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Chennai 600 003.
- 2.The Executive Officer,
Corporation of Chennai,
Zone V, No.62, Basin Bridge Road,
Old Washermenpet,
Chennai 600 021.
- 3.A.K.Chandrasekar
- 4.P.K.Koli
- 5.B.Shivkumar
- 6.V.Babu
- 7.Raji



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8.Sagar

9.Bhima Rao

10.Suresh

11.Suresh

12.Bimarao

13.R.Babu

14.J.J.Babar

15.G.Koteswaran

16.Rajendrakumar Bafna

17.Chetan Bafna

18.T.Baskar

19.Sethumadavan

20.Sethumadavan

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to pass orders on the petitioner's representation dated 12.10.2020 and reminder dated 20.07.2023 by taking necessary action on the same in accordance with Section 258 of the Chennai City Municipal Corporation Act, 1919 within a time frame fixed by this Court.



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For Petitioner : Ms.Thamizharasai

For Respondents : Mrs.P.T.Ramadevi,
Standing Counsel for R1 & R2

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the first respondent to pass orders on the petitioner's representation dated 12.10.2020 and reminder dated 20.07.2023 by taking necessary action on the same in accordance with Section 258 of the Chennai City Municipal Corporation Act, 1919 within a time frame fixed by this Court.

2. Heard Ms.Thamizharasai, learned counsel for the petitioner and Mrs.P.T.Ramadevi, learned Standing Counsel for R1 & R2.

3. The petitioner which is a Trust is the owner of the building in Sy.No.8849/7 and 8849/3 of Sowcarpet Village, Chennai. Since the said building is in a dilapidated condition, the petitioner has already obtained permission for demolition and re-construction. Due to the non co-



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operation of the tenants in the building, the petitioner cannot carry out the demolition and re-construction of the building within a specific time frame. However, the petitioner had once again brought to the attention of the respondents 1 and 2 that the building is in a very dangerous condition and some action has to be taken from the end of the respondents 1 and 2 by inspecting the building and issue necessary orders under Section 136 of the Tamil Nadu Urban Local Bodies Act. The petitioner is unable to demolish the building in view of the continuing tenancy in the building.

4. The official respondents also have got the duty to issue due notice to the owner of the building to demolish the same, if it is in a dilapidated condition and not fit for occupation. Even on the failure of the owner to demolish, the official respondents can themselves demolish the building at the cost of the owner of the building. Despite representation has been given by the petitioner, the first and second respondents did not proceed to inspect the building and initiate any action in this regard.



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5. Hence, this Writ Petition is disposed and the respondents 1 and 2 are directed to consider the representation of the petitioner and make out an inspection of the building within a period of two weeks from the date of receipt of a copy of this order and then pass appropriate orders within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

01.02.2024

Index : Yes /No

Internet : Yes/No

Speaking / Non-speaking

Neutral Citation : Yes / No

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R.N.MANJULA, J.

gsk

To

- 1.The Commissioner,
Corporation of Chennai,
Chennai 600 003.
- 2.The Executive Officer,
Corporation of Chennai,
Zone V, No.62, Basin Bridge Road,
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