



WEB COPY



W.P.No.33933 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.33933 of 2024

Dr.Sudhir Raja Ravindran

.... Petitioner

-Vs-

- 1.The Commissioner
Greater Chennai Corporation
Park Town, Rippon Building
Chennai-600 003.
- 2.Executive Engineer
Greater Chennai Corporation
Zone-13 (Adyar)
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.
- 3.The Asst. Engineer
Greater Chennai Corporation
Zone-13 (Adyar)
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.
- 4.The Asst. Executive Engineer
Greater Chennai Corporation
Zone-13 (Adyar)
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.



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5.R.Sridhar

6.Ms.Shanthi

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to dispose of the representation dated 04.10.2024 submitted for inspection of the house property bearing Door No.132, Velachery Main road, Venkatapuram, Saidapet, Chennai 600 015 and pass necessary orders for de-occupation of the property by the 5th and 6th respondents.

For Petitioner : Mr.L.Dhamodharan

For Respondent : Mr.P.T.Ramadevi
Standing Counsel
for R1 to R4

ORDER

The Writ Petition has been filed in the nature of a Mandamus, seeking a direction against the respondents 1 to 4, to dispose of the representation dated 04.10.2024, which representation was given to inspect the house property at Door No.132, Velachery Main Road, Venkatapuram, Saidapet at Chennai 600 015.

2.In the affidavit filed in support of the writ petition, it had been stated that the writ petitioner is a co-owner of the aforementioned property which was



originally owned and possessed by his father. His father died on 08.10.2015.

Apart from the petitioner, there are four others who had also inherited the property. It is contended that the property is in a dilapidated condition but the 5th and 6th respondents continued to occupy the same.

3.The petitioner had also filed O.S.No.4099 of 2018 before the XVIII Assistant City Civil Court at Chennai, seeking vacant possession of the property. It is stated that the suit is pending. Claiming that the property is in a dilapidated condition and that the petitioner had given a representation on 04.10.2024, seeking inspection of the property, the writ petition has been filed. Pending the Writ Petition, a direction was issued to the 2nd respondent to make a personal inspection of the building. An inspection had been conducted and the following report had been filed:

“6.I respectfully submit that the said premises have been inspected by the officials of the Greater Chennai Corporation on 04.12.2024 and found that there were many cracks and exposed reinforcements with rust and bulge at various structural members, it is also observed that in some place the ceiling were very badly damaged and some columns caused settlement.

7.I respectfully submit that based on Inspection Notice under Section 136 of Tamil Nadu Urban Local Bodies Act, 1998 vide



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Z.O.XII/Dil/Dn 169/5759/2024 dated 05/12/2024 was served for the dangerous condition of the dilapidated building at Door No.132, Velachery Main Road, Venkatapuram, Saidapet, Chennai 600 015. Further it was instructed either to fence off or take down or secure as repair the above mentioned structure so as to prevent any damage from the building.

8.I respectfully submit that the said premises have already been under lock and found that there are no tenants occupied inside the premises. Therefore the petitioner is advised to make an application for the demolished of the building to the Greater Chennai Corporation for demolishing the said dilapidated building.”

4.In the report, it is clearly stated that there are cracks and exposed reinforcements with rush and bulge at various structural members. It had also been observed that in some places the ceiling was very badly damaged and some columns caused settlement. But, however the petitioner is just one five among other co-owners of the building and if all of them file applications or if any of them file application with no objection from the others then the respondent must proceed further in the manner known to law.

5.It is noted that notice issued to R5 & R6 had returned 'unclaimed'. But in the report of the 2nd respondent, it had been clearly stated that there are no



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occupants in the said building. From the date on which a proper application is filed, respondents must take necessary steps within a period of four weeks from that date to comply with that application.

6.The Writ Petition stands disposed of. No costs.

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Index : Yes/No

NCS : Yes/No

KP

To

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3.The Assit. Engineer

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C.V.KARTHIKEYAN.,J

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