



W.P(MD)No.4411 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4411 of 2024

and

W.M.P.(MD)No.4241 of 2024

K.Anitha

... Petitioner

Vs.

1.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli.

2.The Assistant Commissioner,
Ward Committee No.1,
Srirangam Zone,
Tiruchirapalli.

3.T.N.Kamala

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to cause inspection of the dilapidated building at Ward No.F, Old S.No. 2117, T.S.No.79 bearing door No.87 and examine its structural stability and consequently to demolish the same with necessary protection forthwith invoking Section 136 of Tamilnadu Urban Local Bodies Rules, 2023 within the time frame stipulated by this Court.



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For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.R.Baskaran,
Addl. Advocate General,
Assisted by M/s.R.B.Law Associates for R1 & R2.
Mr.P.Krishna Samy for R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government General assisted by the learned counsel for the respondents 1 and 2 and the learned counsel for the third respondent.

2.The writ petitioner wants the petition mentioned building to be demolished. Section 136 of the Tamil Nadu Urban Local Bodies Act, 1998 is as follows:-

“136. Power to order removal of dangerous buildings, trees, etc.—

(1) Where it appears to the Commissioner at any time that any building is in a ruinous condition or is in any way dangerous or unfit for human habitation or over crowding in a building, the Commissioner may, by an order in writing, require the owner or the occupier of such building to vacate, demolish, remove such building within the time limit specified in the said order.



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(2) Where it appears to the Commissioner at any time that any tree is in a ruinous condition or is in any way dangerous condition in any area of a municipality, he may by order in writing remove the tree forthwith.

(3) Where the owner or occupier of the building does not comply with the order issued under this section, the Commissioner shall take such step in relation to the building or tree as may be necessary to prevent any occurrence of danger therefrom.

(4) All expenses incurred by the Commissioner, in relation to any building or tree under this section shall be recoverable from the owner or the occupier thereof, as the case may be, as arrears of land revenue.”

3.This Court had given a direction for inspection of the building by the Department of Civil Engineering, University College of Engineering (BIT Campus), Tiruchirappalli. The said HOD has since conducted inspection and submitted report. The conclusion is to the effect that the building should be demolished immediately.

4.When an expert in the field has already certified that the building is fit for demolition, no further enquiry is required. I direct the respondent 1 and 2 to issue notice to the third respondent calling upon her to vacate the petition mentioned premises. The notice shall give fifteen days to the third respondent to vacate. If the third respondent fails to comply with the demand, she shall be evicted and the building itself shall be demolished thereafter. The entire



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exercise shall be completed within a period of five weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 18.04.2024.

To:-

- 1.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli.
- 2.The Assistant Commissioner,
Ward Committee No.1,
Srirangam Zone,
Tiruchirapalli.



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G.R.SWAMINATHAN, J.

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