



W.P(MD)No.5762 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5762 of 2024

and

W.M.P.(MD)No.5437 of 2024

T.Mariyappan

... Petitioner

Vs.

1.The Director,
Directorate of Rural Development & Panchayat Raj,
Panaga Building,
Chennai- 600 015.

2.The District Collector,
Ramanathapuram.

3.The Block Development Officer,
Thiruvadanai Panchayat Union,
Ramanathapuram District.

4.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

5.The Executive Officer,
Thondi Major Panchayat,
Thondi, Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed by the 5th respondent under Na.Ka. No.36/2024 dated



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29.02.2024 and quash the same, quash the same and further to direct the respondents 3 to 5 to demolish the dilapidated 150 years old building situated under ward No.12 New Ward No.13 measuring 15 cents at Chinathondi Group, Thondi Sub D, Karaikudi Registration District, Ramanathapuram District, as per the proceedings of the 3rd respondent under Na.Ka. A2/4734/2021, dated 07.12.2023 and as per the orders passed by the 4th respondent upon the 5th respondent vide order dated 01.02.2024 under Oo.Mu. P3/5080/2023.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner wants to demolish the petition mentioned building which is said to be 150 years old. His request was rejected on the ground that he is not having any title document in his favour. Challenging the said decision of the fifth respondent, the present writ petition has been filed.

3. Section 136 of Tamil Nadu Urban Local Bodies Act, 1998 provides for removal of the dangerous building that are old and dilapidated. The 5th respondent is the authority competent to grant permission. In this case, the reason given by the fifth respondent is patently un-sustainable. The petitioner has enclosed a copy of the patta standing in his favour. When the revenue



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record reflects the name of the petitioner, the authority is not justified in calling upon the petitioner to produce the deed of conveyance.

4. In this view of the matter, the order impugned in the writ petition is set aside. The matter is remitted to the file of the fifth respondent. The fifth respondent will undertake spot inspection. If the fifth respondent is satisfied that the building is old and dilapidated, permission as sought for by the petitioner shall be granted. The entire exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2024

Index : Yes / No
Internet : Yes/ No
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To

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- 3.The Block Development Officer,
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- 4.The Tahsildar,
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Ramanathapuram District.
- 5.The Executive Officer,
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