



W.P(MD)No.15189 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15189 of 2024

and

W.M.P.(MD)No.13293 of 2024

M.Dharmalingam

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Anna Maaligai,
Madurai-20.

2.The Assistant Commissioner,
Madurai Corporation,
Madurai.

3.The Assistant Executive Engineer,
Madurai Corporation,
Madurai.

4.The Junior Engineer,
Madurai Corporation,
Madurai.

5.M.Jeyaraman

6.C.Amudhan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to call for the records relating



W.P(MD)No.15189 of 2024

to the impugned notice issued by the respondents no. 2 to 4 in their proceeding in file no. Mathi/005878/24 dated 22.05.2024 and quash the same as illegal.

For Petitioner : Mr.R.Sevugaraja

For Respondents : Mr.F.Deepak
Standing Counsel for R1 to R4

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the madurai corporation. Issuance of notice to R5 & R6 is dispensed with.

2. The petitioner claims to be in occupation of the petition mentioned premises. The corporation has issued the demolition notice under Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998. It is not known at whose instance the notice was issued. The petitioner's defence is that the premises is in good condition and that he would be irreparably prejudiced, if the building is demolished. The petitioner suspects that the fifth respondent has initiated proceedings.



W.P(MD)No.15189 of 2024

WEB COPY

3. I do not want to go into the factual aspects. The petitioner will appear before the second respondent on 19.07.2024 at 3.00 pm. The second respondent will issue notice to R5 as well as R6 calling upon them to appear before them on the same date and time. The authorities must satisfy himself that the building is in a dangerous condition warranting demolition. This satisfaction must be based on definite material. It is open to the petitioner to obtain structural stability certificate from a competent civil engineer and produce the same before the second respondent. After hearing all the parties and after going through the materials on record, it is open to the second respondent either to drop the proceedings or to confirm the order and take further action in the matter.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.15189 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.15189 of 2024

10.07.2024