



W.P(MD)No.15174 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15174 of 2024

and

W.P(MD)No.13285 of 2024

G.Arumugam

... Petitioner

Vs.

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

2.The District Collector,
Ramanathapuram,
Ramanathapuram District.

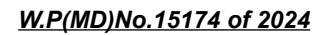
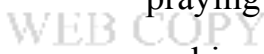
3.The Block Development Officer,
Thiruvananthapuram Panchayat Union,
Ramanathapuram District.

4.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

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

6.T.Mariyappan

... Respondents





W.P(MD)No.15174 of 2024

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.

WEB COPY

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 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.”

3. The petitioner states that he is in possession of the building and that by suppressing his interest in the matter, the said order was obtained. I do not want to go into the factual aspects. I make it clear that before passing any final order, the authority is bound to hear the petitioner herein. The order passed by me should not be taken as positive direction for demolition of the building. It should be understood appropriately. I have only held that the authority must be satisfied that the building is old and is posing danger to the passers-by and is in



W.P(MD)No.15174 of 2024

dangerous condition. It is open to the petitioner herein to satisfy the authority that the building is not in a dangerous condition. It is the authority who will take the final call. Based on his decision, further action will be taken. The order dated 03.04.2024 made in W.P.(MD)No.5762 of 2024 is accordingly clarified.

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

09.07.2024

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

To

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

2.The District Collector,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.



WEB COPY



W.P(MD)No.15174 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.15174 of 2024

09.07.2024