



W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.22548 to 22550 and 22737 of 2024
and W.M.P.(MD)Nos.19076 to 19079, 19103 to 19105,
19108, 19080, 19082, 19084, 19087, 19261, 19270, 19272 & 19274 of 2024

Mohamed Noorul Ameen

... Petitioner in
W.P.(MD)No.22548/2024

Sankara Pandian

... Petitioner in
W.P.(MD)No.22549/2024

G.Philip

... Petitioner in
W.P.(MD)No.22550/2024

S.Sakthi Raj

... Petitioner in
W.P.(MD)No.22737/2024

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Madurai Corporation,
Zone-3 (Central),
Madurai.



W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

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

4.The Junior Engineer,
Madurai Corporation,
Madurai.

5.The Village Administrative Officer,
Melmadurai Village,
Madurai.

6.The Inspector of Police,
Thideernagar Police Station,
Madurai District.

7.Rajagopalan

8.R.Dhanalakshmi

9.S.Dhinakaran

10.R.Jegadha

11.R.Ramkumar.

.... Respondents in
all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 2nd to 4th Respondents in Ma.Ni/005878/2024 dated 12.09.2024 addressed to 7th to 11th Respondents and quash the same as illegal and unconstitutional and consequently directing the 2nd to 4th Respondents not to disturb the petitioners' Footwear Shop, Dental Clinic, Grocery Shop and Saloon situated at Door No.1/2,



W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

Katrapalayam Lane, T.P.K.Road, Madurai - 625001 except under due process of law.

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For Petitioners
(In all W.Ps)

: Mr.M.Shakul Hameed

For Respondents
(In all W.Ps)

: Mr.K.K.Kannan,
Standing Counsel for R1 to R4
Mr.A.Kannan,
Addl. Govt. Pleader for R5
Mr.M.Vaikkam Karunanithi,
Govt. Advocate (Crl. Side) for R6
Mr.K.Jagadeesan for R8 to R11

COMMON ORDER

These Writ Petitions have been filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 2nd to 4th Respondents in Ma.Ni/005878/2024 dated 12.09.2024 addressed to the respondents 7 to 11 and quash the same as illegal and unconstitutional and consequently, directing the respondents 2 to 4 not to disturb the petitioners' Footwear Shop, Dental Clinic, Grocery Shop and Saloon situated at Door No.1/2, Katrapalayam Lane, T.P.K.Road, Madurai - 625001 except under due process of law.



W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

2. Heard the learned counsel for the petitioners, the learned Standing Counsel, who takes notice for the respondents 1 to 4, the learned Additional Government Pleader appearing for the fifth respondent, the learned Government Advocate (Crl. Side) appearing for the sixth respondent and the learned counsel appearing for the respondents 8 to 11.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioners that the building situated at Door No. 1/2 Katrapalayam Lane, T.P.K.Road, Madurai belongs to respondents 7 to 11 and the petitioners are the tenants. The subject building consists of three floors and the petitioners are running shops in the ground floor, whereas in the 2nd and 3rd floors Ladies Hostel is situated. While so, unfortunately on 12.09.2024, at about 4.45 a.m., there was a fire accident took place in the Ladies Hostel, which resulted in death of three women. Based on the complaint of the 5th respondent, a case has been registered in Crime No.355 of 2024, on the file of the sixth respondent. Hence, the respondents 2 to 4 issued the impugned proceedings, wherein, it is stated that the building is in dilapidated condition and directed the respondents 7



W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

to 11 respondents/owners of the building to take immediate steps to demolish the said building. Challenging the same, the petitioners/tenants have filed these Writ Petitions.

5. The learned counsel appearing for the petitioners would submit that the fire accident has no impact over the condition of the building in question and having good strength and the same is not in a dilapidated condition as alleged by the official respondents. He further submitted that without conducting any proper filed inspection in the building in question, which is sought to be demolished, the impugned proceedings have been issued. Therefore, the same are liable to be quashed.

6. The learned Standing Counsel appearing for the respondents 1 to 4 Corporation would submit that due to fire accident, the entire building has become damaged and the structural stability of the building is very weak. Therefore, unless the entire building is demolished immediately, it will cause great damage to the life of other public. Hence, the impugned proceedings have been issued.



W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

7. The fact that the fire accident took place, which resulted in death of three women is not disputed. After heavy efforts by the rescue officers, the fire was doused. This has also not been disputed. In such view of the matter, merely the fire has not spread to the ground floor, it cannot be assumed that the building is still in a good condition. It has to be seen that whether the building is still capable of running shopping complex. It is a matter of domain expert. Therefore, the respondents 1 to 4 are directed to assess the condition of the building with the P.W.D. Engineer and after assessing the building condition, the P.W.D. Engineer shall file a report before the respondents 1 to 4. If the report of the P.W.D. Engineer indicates that the building required immediate demolition, the respondents Corporation, after issuing notice to the petitioners, shall go forward to demolish the building. If the P.W.D. Engineer takes a decision that the building condition is not good and required immediate demolition, the petitioners shall immediately vacate from the said building for the purpose of demolition. Such an exercise shall be done within a period of one week from today. Till the building is completely inspected by the P.W.D. Engineer, the building cannot be used by commercially.



W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

8. With the above directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.09.2024

NCC : Yes/No
Index : Yes/No

vsm

To

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Madurai.
- 2.The Assistant Commissioner,
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Zone-3 (Central), Madurai.
- 3.The Assistant Executive Engineer,
Madurai Corporation, Madurai.
- 4.The Junior Engineer,
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7/8



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W.P.(MD)Nos.22548 to 22550 & 22737 of 2024

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