



W.P.No.5603 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5603 of 2025

V.K.Ashokan

...Petitioner

-Vs-

1.The Commissioner of Corporation,
Greater Chennai Corporation,
Rippon Building, Chennai.

2.The Executive Engineer,
Zone – 5,
Greater Chennai Corporation,
Chennai – 600 021.

3.The Assistant Engineer,
Division – 55, Zone – 5,
Greater Chennai Corporation,
Chennai.

4.The Inspector of Police,
Seven Wells Police Station,
Chennai.

5.Ajeez

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a direction in the nature of Writ of Mandamus,



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directing respondents 1 to 3 consider the petitioner's representation dated 26.11.2024 and to demolish the building situated at Old Door No.5, New No.7, 2nd Narayana Street, Seven Wells, Chennai – 600 001 by securing the 5th respondent from the said building within time stipulated by this Court and pass such further orders.

For Petitioner : Mr.A.Ilayaperumal
For R1 to R3 : Mr.S.Gopinath,
Standing Counsel
For R4 : Mr.R.Kishore Kumar,
Government Advocate

ORDER

This writ petition has been filed directing respondents 1 to 3 to consider the petitioner's representation dated 26.11.2024 and to demolish the building situated at Old Door No.5, New No.7, 2nd Narayana Street, Seven Wells, Chennai – 600 001 by securing the 5th respondent from the said building.

2. The petitioner is the absolute owner of the land and building situated at Old Door No.5, New No.7, 2nd Narayana Street, Seven Wells, Chennai - 600 001. In the year, 2011, the Chennai Metro Railway Project



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was extended upto Washermenpet in which very adjacent to the above said building Chennai Metro Railway Project was extended by creating huge tunnel beneath. During the metro rail work, the strength of the building became very weak, and further, it is a very old building. From the year 2022, the Metro Rail commenced to function and the metro trains and as on date running beneath the said building and cause heavy vibration as such, the ceiling fell on the tenant. Immediately the petitioner requested to vacant the tenants by considering the dilapidated condition of the said building for demolition and reconstruction.

3. Learned counsel appearing for the petitioner would submit that he has also obtained a Building and Planning Permission dated 20.05.2024 from the 2nd respondent. Since the 5th respondent and one D.Murugan refused to vacate the premises, the petitioner sent a detailed representation dated 26.11.2024 to the respondents 1 to 3 by requesting to take appropriate steps to secure and demolish the dilapidated building. But till date no action has been taken by respondents 1 to 3 and the subject matter of the building is collapsing day by day. Hence, the present Writ Petition is filed.



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4. Learned standing counsel appearing for respondents 1 to 3 would submit that the representation of the petitioner dated 26.11.2024 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. Without going into the merits of the case, the second respondent is directed to consider the representation of the petitioner dated 26.11.2024 after giving due notice to the petitioner, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of six (6) weeks from the date of receipt of a copy of this order.



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In the result, the writ petition stands disposed of with the above

observations and direction. No costs.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

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