



WEB COPY

WP No. 13860 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP No. 13860 of 2021

K.Chandra Gopal
S/o.Late. N.Kannan,
No.71/26, Irusappa Gramani Street,
Triplicane, Chennai 600 005.

...Petitioner

Vs

1. The Commissioner
Corporation of Chennai,
Rippon Buildings, Chennai 600 003.

2.Assistant Executive Engineer,
Unit 27, Zone-9,
Greater Chennai Corporation,
No.2, Dr. Besant Road, Triplicane,
Chennai 600 005.

3.K.Palani,
S/o.Late N.Kannan,
No.71/26, Isusappa Gramani street,
Triplicane, Chennai 600 005.

4.K.Sathyamoorthy,
S/o.Late N.Kannan,
No.71/26, Isusappa Gramani street,
Triplicane, Chennai 600 005.

5.G.Rajalakshmi,



W/o.Gowtham, D/o.Late N.Kannan,
New No.1/131, Old No.1/10, Big street,
Tharanivaragapuram, Murugampattu,
Tiruthani 631209, Tiruvallur District.

6.K.Rjasekar
S/o.Late N.Kannan,
No.71/26, Isusappa Gramani Street,
Triplicane, Chennai 600 005.

7.K.Senthil Velan,
S/o.Late N.Kannan,
No.71/26, Isusappa Gramani Street,
Triplicane, Chennai 600 005.

8.K.Divakar,
S/o.Late N.Kannan,
32/67, Dr. Natesan Road, Triplicane,
Chennai 600 005.

9.S.Jayanthi,
W/o.Sathyanathan, D/o. Late N.Kannan
No.2- B, Karaneeswararpuram,
Karaneeswarar Koil 1st lane Mylapore,
Chennai 600 004.

10.G.Veeramani,
S/o.Late K.Ganesan,
No. 32/67, Dr.Natesan Road,
Triplicane, Chennai 600 005.

11.Mrs. Gayathri,
S/o.Late K.Ganesan,
No. 32/67, Dr.Natesan Road,
Triplicane, Chennai 600 005.

12.Ms.Sangeetha,
S/o.Late K.Ganesan,
No. 32/67, Dr.Natesan Road,
Triplicane, Chennai 600 005.



13.Mr.Murugan,
Proprietor of Murugan Stores,
Ground Floor, No.72/24, Irusappa
street, Ice House, Chennai 600 005.

14.Mr. Babu
Ground Floor, No.72/24, Irusappa
street, Ice House, Chennai 600 005.

15.Ms.Punitha,
First Floor, No.72/24, Irusappa street,
Ice House, Chennai 600 005.

16.Mr.Elumalai,
Elumalai Mechanic shop,
Ground Floor, No.72/24, Dr.Natesan
Road, Ice House, Chennai 600 005.

17.Mr.Kumar,
First Floor, No.32 Dr.Natesan Road, Ice
House, Chennai 600 005.

18.Mr.Rajavelu,
First Floor, No.32 Dr.Natesan Road,
Ice House, Chennai 600 005.

19.Mr.Justin,
Second Floor, No.32, Dr.Natesan Road,
Ice House, Chennai 600 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direction to the respondents 1 and 2 to implement their show cause notice dated 30/11/2020, as the respondents 3 to 17 have neither come forward to apply for demolition of building nor give their consent for demolition of the building situate at No.32, Dr.Natesan Road and No.72/26, Irusappanstreet, Triplicane, Chennai 600 005.

For Petitioner(s): Mr.M. Kempraj



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WP No. 13860 of 20

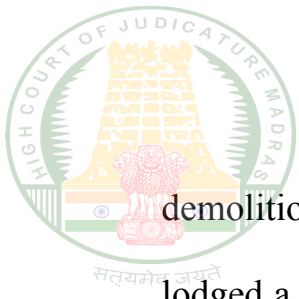


For Respondent(s): M/s.P.T.Ramadevi
Standing Counsel For R1 & R2
Mr.R.N.Amarnath
For R7 To R9
R3 to 5, 10, 12 & 17 to 19, No
appearance
R6, R15, & R16 - Tapal Returned
- Door Locked
R11 - Not Residing
R14 - Vacated

ORDER

The present Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to implement their show cause notice dated 30/11/2020, as the respondents 3 to 17 have neither come forward to apply for demolition of building nor given their consent for demolition of the building situate at No.32, Dr.Natesan Road and No.72/26, Irusappan street, Triplicane, Chennai 600 005.

2. The case of the petitioner is that the petitioner is the co-owner of the property along with respondents 3 to 12 situated at No.32, and Block No.72/24, Dr.Natesan Road, Irusappan street, Triplicane, Chennai 600 005. The respondents 13 to 19 are the tenants. The aforesaid property consists of three parts, Front, Middle and Back side. In each side, two floors were constructed long back. The middle one is unapproved. However, all the three parts are in a dilapidated condition and the respondents 3 to 12 are not willing to obtain



demolition plan for repair or fresh construction. Hence, the petitioner's son lodged a complaint by Online to the Corporation and CMDA on 27.11.2020. In response to the complaint and various e-mails, the CMDA directed the 1st and 2nd respondents to submit a report towards demolition of the building on 30.11.2020. Based on which, inspection was done by the Assistant Engineer, the 2nd respondent herein and a Show Cause notice was issued to the respondents 3 to 12 by the 2nd respondent for demolition. As per the show cause notice, the petitioner had consented for demolition and sent his consent letter to the 2nd respondent for demolition on 30.12.2020. Since, the respondents 3 to 19 did not respond to the said show cause notice, a legal notice was issued by the petitioner to the respondents 3 to 19, which was duly received and acknowledged by them. In spite of that, they have not come forward to submit their consent for demolition. Hence, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner would submit that the aforesaid property was allotted to the petitioner along with respondents 3 to 12, being the legal heirs of N.Kannan. The building in the said property is 60 years old and it would cause danger to the public and it may be collapsed at any time on account of its dilapidated condition. Hence, the petitioner's son lodged a complaint through Online to the Corporation and CMDA on 27.11.2020. In response to the



complaint and various e-mails, the CMDA directed the 1st and 2nd respondents to submit a report towards demolition of the building on 30.11.2020. Based on which, a show cause notice was issued to the respondents 3 to 12 for demolition. Since the respondents 3 to 19 did not respond to the show cause notice, a legal notice was also issued to the respondents 3 to 19. Hence, the learned counsel for the petitioner prayed for appropriate directions.

4. M/s.P.T.Ramadevi, learned Standing Counsel appearing for the respondents 1 and 2 would submit that, a show cause notice was issued to the co-owners on 30.11.2020, who are the respondents 3 to 12 herein, stating that the building in the subject property is in very dilapidated condition and the building may be collapsed at any time on account of its dilapidated condition and also to take steps to demolish the building or repair the same. Despite the said notice, the respondents 3 to 12 have not come forward to give their consent or NOC for demolishing the subject property.

5. A counter affidavit has been filed on behalf of the 4th respondent.

6. Mr.R.N.Amarnath, learned counsel for the respondents 7 to 9 would submit that the respondents 7 to 9 have already given “No Objection



Certificate” to the respondents 1 and 2 in respect of the subject property.

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

8. It appears that the building in the subject property is in dilapidated condition and the petitioner is one of the co-owners of the subject property and he has applied for demolition of the said property to the respondents 1 and 2 on 27.11.2020. The respondents 3 to 12 are the co-owners of the subject property and except the respondents 6 to 9, other respondents have not given their consent or NOC for demolition of the said building, despite the notice issued by the Corporation on 30.11.2020.

9. Considering the submissions made by the learned counsel on either side and upon perusal of the materials available on record, this Court passes the following directions/orders:

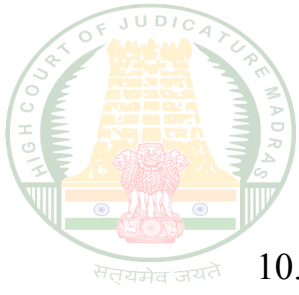
(i) The second respondent is directed to give a fresh notice under Section 136 of Tamil Nadu Urban Local Bodies Act, 1998 to the respondents 3 to 12, within a period of two weeks from the date of receipt of a copy of this order.

(ii) If the respondents 3 to 12 do not respond or give their consent for demolition of the subject property, the respondents 1 and 2 shall proceed further in accordance with law.



(iii) The second respondent is also directed to send notices to the respondents 13 to 19, who are the tenants of the subject property, for demolition.

(iv) It is also made clear that the respondents 1 and 2 shall wait for the acknowledgement as proof that the respondents 3 to 12, who are the co-owners and respondents 13 to 19, who are the tenants of the subject property, have received the said notice and thereafter, the respondents 1 and 2 shall take appropriate action as expeditiously as possible.



10. With the above directions, this Writ Petition is disposed of. No costs.

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18-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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TO

1. The Commissioner
Corporation of Chennai,
Rippon Buildings, Chennai 600 003.

2. Assistant Executive Engineer,
Unit 27, Zone-9,
Greater Chennai Corporation,
No.2, Dr. Besant Road, Triplicane, Chennai 600 005.



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N. MALA, J.

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