



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP.No.13422 of 2025

P.S.Theleep Kumar
S/o.Sengamalam,
No.1, Nelson Manickam Street,
Aminjikarai, Chennai - 600 029.

Petitioner(s)

Vs

1.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Office at Thalamuthu Natarajar Maligai,
No.1 Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Poonga Nagar, Chennai - 600 003.

3.The Executive Engineer,
Greater Chennai Corporation (Zone-8),
No.36B/12B, Bulla Avenue,
Shenoy Nagar,
Chennai – 600 030.



4. The Superintendent Engineer,
Public Works Department,
Planning and Design Circle,
Chepauk, Chennai – 600 005.

5. Mr. M. Babu,
S/o. Late Masilamani,
No. 31 Nelson Manickam Road,
Aminjikaram, Chennai – 600 029.

Respondent(s)

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, directing the 2nd and 3rd respondents to inspect the building at Door No. 96/31 Nelson Manickam Road, Aminjikarai Chennai – 600 029 to verify the structural stability of the building with the Assistants of 4th Respondent by consider the petitioner's representation dated 09.12.2024 and pass such further orders.

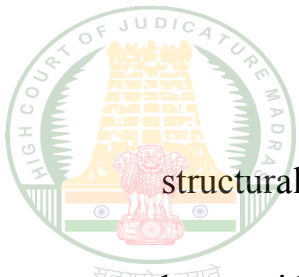
For Petitioner(s): Mr. K. G. Senthil Kumar

For Respondent(s): Mr. R. Thamarai Selvan,
Standing Counsel for R1

Mr. S. Gopinathan,
Standing Counsel for R2 & R3

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second and third respondents to inspect the building at Door No. 96/31, Nelson Manickam Road, Aminjikarai, Chennai - 600029 to verify the



structural stability of the building with the Assistants of the fourth respondent by considering the petitioners representation dated 09.12.2024.

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2. The petitioner is working as a Project Head and, along with his Director, owns property adjacent to a 40-year-old building belonging to Late Tmt.Jayalakshmi, currently maintained by the fifth respondent. Concerned about the dilapidated condition of the said building and the risk of structural collapse, the petitioner submitted a representation on 09.12.2024 to the authorities seeking inspection and preventive action under Section 258(1) of the Chennai City Municipal Corporation Act.

3. Learned counsel appearing for the petitioner submits that earlier the petitioner filed a writ petition in the representing capacity as a Power Agent to one Mr.Palaniyappa Chettiyar in W.P.No.884 of 2025, in which an interim direction was issued by this Court on 21.01.2025, which reads as follows:

“3. A direction is issued to the 3rd respondent, Executive Engineer, Greater Chennai Corporation (Zone – 8), Shenoy Nagar, Chennai, with the assistance of an engineer, after issuing notice to the 4th respondent, inspect the building of the 4th respondent and file a report before this Court with respect to its stability.”



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4. Pursuant to the above direction, a joint inspection was conducted on 25.02.2025 by the 3rd respondent in the presence of the petitioner and the 5th respondent herein, who is the 4th respondent in W.P.No.884 of 2025. Since the 3rd respondent has sought some expert opinion from the 4th respondent herein. The 3rd respondent represented before this Court to implead the 4th respondent herein at that time, the 5th respondent herein had made a technical objection with regard to the *locus standi* of the petitioner, who had given a representation on 09.12.2024 in his individual capacity wherein he had filed the writ petition in the Power Agent Capacity representing Mr.Palaniappa Chettiyar. So, the petitioner has withdrawn the writ petition in W.P.No.884 of 2025 on 07.04.2025 with the liberty to file a fresh writ petition in his own name and this Court has granted liberty.

5. Learned counsel further submits that despite raising a genuine concern about public safety, the second and third respondents have failed to act on the representation. Although a joint inspection was conducted following an interim order of the Court, no further steps were taken. He further submits that as the



petitioner is entitled to seek action against dangerous structures under the Act, and given the inaction of the respondents, the petitioner has filed this present writ petition.

6. Learned Standing Counsel appearing for R2 & R3 submits that the representation of the petitioner dated 09.12.2024 would be considered on merits, in accordance with law, within a time frame stipulated by this Court.

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

8. Without going into the merits of the case, the 2nd and 3rd respondents are directed to consider the representation of the petitioner dated 09.12.2024 after conducting a detailed enquiry by giving due notice to the petitioner as well as the 5th respondent, affording an opportunity of personal hearing, to take into consideration all the relevant documents submitted by both the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



J.SATHYA NARAYANA PRASAD J.

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

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observations and direction. No costs.

15-04-2025

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To

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