



WP No. 23551/2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

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THE HONOURABLE MRS.JUSTICE N. MALA

WP No.23551/2025 & WMP.No.26445/2025

T.Gunasekaran

Petitioner(s)

Vs

1.The Commissioner,
Greater Chennai Corporation, Ripon
Building, EVR Salai,
Chennai 600003.

2.The Regional Deputy Commissioner
[North], Greater Chennai Corporation
No.62, Basin Bridge Road, Old
Washermenpet, Chennai 600021.

3.Executive Engineer, Zone 5
Greater Chennai Corporation
No.61, Basin Bridge Road, Chennai
600 021.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 3rd respondent pertaining to Notice in Z.O.V.C.No./507900/2025 dated 27.05.2025 and quash the same.



For Petitioner Mr.B.Vijay
For Respondent(s): Mr.S.Gopinathan, Standing Counsel

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ORDER

- (1) The above writ petition is filed by the petitioner for issuance of a writ of certiorari to quash the impugned Demolition Notice dated 27.05.2025 passed by the 2nd respondent under Section 136 of the Tamil Nadu Urban Local Bodies Act.
- (2) The petitioner states that he is a statutory tenant in occupation of the subject premises at Door No.328, Mint Street, Park Town, Chennai, since 1998. The petitioner further states that the landlord, having failed to take lawful recourse under the Tamil Nadu Rights and Responsibilities of Landlords and Tenants Act, 2017, was unsuccessfully attempting to evict the petitioner through illegal means. The petitioner states that the landlord colluded with the officials of the Greater Chennai Corporation, and influenced them to issue the Demolition Notice. The petitioner further states the respondent-Corporation at the instigation of the landlord without conducting any inspection of the premises and without any structural stability report or other technical assessment report on the



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dilapidated or dangerous condition of the building, issued the impugned

Demolition Notice under Section 136 of the Act. The petitioner states that the petitioner already filed a civil Suit, for permanent injunction against the landlord, in OS.No.1098/2025 before the learned 8th Assistant Judge, City Civil Court, Chennai and the same was pending. The petitioner further states that the landlord without initiating any eviction proceedings under the Tenancy Laws, was trying to indirectly evict the petitioner by adopting unlawful means. The petitioner therefore states that the impugned Demolition Notice under Section 136 of the Act, is illegal, arbitrary and non-est in law, as the same was issued with the sole object of evicting the petitioner from the subject premises. The petitioner therefore, left with no other remedy, filed the above writ petition for the aforesaid relief.

- (3) The respondents filed a detailed counter stating that on regular inspection on 07.05.2025, the officials of the Chennai Corporation, found that the building in question which was approximately 80 years old, had four shops of which one of the shops was occupied by the petitioner herein.



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The officials further found growth of vegetation in the building, cracks in the walls, and cracks in the the Madras Terrace roof in the ground and first floors. In view of the aforesaid observations found during the inspection, the respondents invoking Section 136 of the Act, issued the impugned notice. The respondents stated that the writ petition was liable to be dismissed at the threshold on the ground of non-joinder of the necessary party, i.e., the landlord of the petitioner. The respondents further stated that considering the dilapidated condition of the building and to safeguard the general public from any accident, the Greater Chennai Corporation, had issued the impugned Notice for Demolition. The respondents therefore prayed that there were no merits in the writ petition and the same was liable to be dismissed.

- (4) Learned counsel for the petitioner submitted that the Demolition Notice issued under Section 136 of the Act, in the absence of any expert opinion on the structural stability of the building, was invalid and illegal. Learned counsel further submitted that the impugned notice was not in conformity with the provisions of Section 136 of the Tamil Nadu Urban



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Local Bodies Act, and therefore, the impugned order issued mechanically, without application of mind, was illegal and liable to be set aside.

Learned counsel further submitted that the impugned notice was colourable exercise of power vested in the authority, since the same was issued at the instance of the landlord, who wanted to adopt a shortcut method to evict the petitioner. The learned counsel therefore submitted that the impugned order was liable to be set aside and the writ petition allowed.

(5) The learned Standing counsel appearing for the respondents / Corporation on the other hand, submitted that the impugned order was passed in public interest. The subject building posed a threat to public safety because of its dilapidated condition, and therefore there was no infirmity or illegality in the impugned Notice. Hence, the learned counsel prayed for dismissal of the writ petition.

(6) I have heard the submissions made on both sides and also perused the materials placed on record. With the consent of both counsels, the main writ petition is taken up for final disposal.



(7)

Section 136 of the Tamil Nadu Urban Local Bodies Act reads as follows:-

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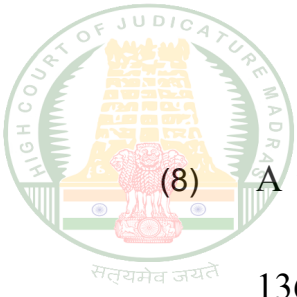
"136:-Power to order removal of dangerous buildings, trees etc:-

[1]Where it appears to the Commissioner at any time that any building is in a ruinous condition or is in any way dangerous or unfit for human habitation or over crowding in a building, the Commissioner may by an order in writing require the owner or the occupier of such building to vacate, demolish, remove such building within a time limit specified in the said order.

[2]Where it appears to the Commissioner at any time that any tree is in a ruinous condition or is in any way dangerous condition in any area of municipality, he may by order in writing remove the tree forthwith.

[3]) Where the owner or occupier of the building does not comply with the order issued under this section, the Commissioner shall take such step in relation to the building or tree as may be necessary to prevent any occurrence or danger therefrom.

[4]All expenses incurred by the Commissioner, in relation to any building or tree under this section shall be recoverable from the owner or the occupier thereof, as the case may be, as arrears of land revenue."



(8) A reading of the above provision reveals that before invoking Section

136, certain conditions have to be satisfied. The said Section can be invoked only if the competent authority, based on material evidence, is satisfied that the building is in dangerous, dilapidated or ruinous condition posing a threat to the occupants or general public.

(9) The impugned Notice of Demolition in the present case reads as follows:-

"NOTICE

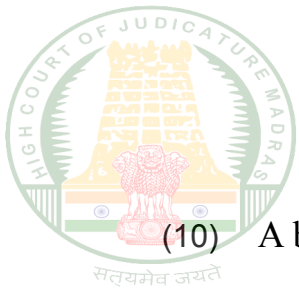
[Under Section 136 of the Tamil Nadu Urban Local Bodies Act, 1998]

Whereas the structure/building at Old No.328, New No.376, Mint Street, Park Town, Chennai 600 003 is deemed to be in ruinous state/dangerous condition endangering the occupiers/passersby public.

Whereas, you being the owner or the occupier of such building to vacate, demolish, remove such building within a period of 30 days from the date of receipt of this notice.

Whereas, failed to do so, the undersigned will fence off, take down, secure, repair or demolish the aforesaid structure or take such a nature of temporary measures whichever is fit for preventing any danger in the interest of public.

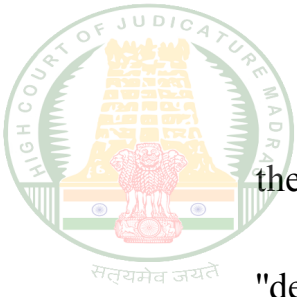
Whereas the cost of doing shall be recoverable from the Owner/Occupier as per provisions of Section 136 of ULB 1998 and/or other relevant statutory provisions,"



(10)

A bare reading of the impugned Notice shows that there is no finding that the building in question was either inspected or expert opinion was obtained on the ruinous and dangerous condition of the building. The impugned order merely states that the building is deemed to be in a ruinous state / dangerous condition endangering the lives of passers-by/ public is a mere mechanical recitation of the provision. There is no reference to any inspection report in the impugned order and it is only in the counter that the respondents stated about the inspection conducted on 07.05.2025, by the officials of Greater Chennai Corporation.

- (11) Assuming that an inspection was conducted as claimed, the respondent ought to have applied his mind to the report and given a categorical finding on the stability of the structure and the danger it would pose to the public. Mere damage to the building may not need demolition. To order demolition, the authority must be satisfied that the building's existence will be dangerous to public life and limb. Hence, in my view, the Authority should apply his mind and give reasons for ordering demolition when invoking Section 136 of the Act. As mentioned above,



the respondents in the impugned Notice merely stated that the building is "deemed" to be in ruinous condition.

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(12) At this juncture, it would be relevant to note that the petitioner is a statutory tenant and that there is a civil suit filed by the petitioner in OS.No.1098/2025 before the learned VIII Assistant Judge, City Civil Court, Chennai, for permanent injunction against the landlord and the Commissioner, Greater Chennai Corporation, pending. I find force and justification in the learned petitioner's counsel's contention that the landlord without invoking the provisions of the Tamil Nadu Regulations, Rights and Responsibilities of Landlords and Tenants Act, 2017, for eviction of the petitioner, was adopting shortcut method for evicting the petitioner.

(13) A Division Bench of this Court in a judgment dated 12.07.2018 in WA.No.1507/2016 [*P.Zainuddin, rep.by his Power of Attorney Holder P.Nazeer Vs. Sathish Kumar and Others*], has observed as follows:-

"21.In view of the foregoing reasons, the writ appeal will stand allowed, the observations of the learned Single Judge made in Paragraph 16 of the order



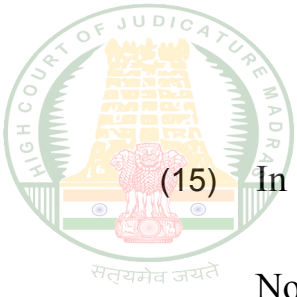
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after having dismissed the writ petition will stand deleted. We are also of the considered opinion that the officials of the Chennai City Municipal Corporation should be alive to the designs adopted by building owners to get rid of the tenants by enticing the officials to invoke the provision of Section 258 of the Chennai City Municipal Corporation as the result of such an exercise of power will be in derogation of the provisions of the Tamil Nadu Buildings [Lease and Rent Control] Act. It is for the Commissioner of Chennai Corporation to ensure that the powers under Section 258 are not misused by undesirable elements in their attempt to evict the tenants by defeating the provisions of a welfare statute, viz., Tamil Nadu Buildings [Lease and Rent Control] Act."

- (14) In my view, the aforesaid observations of the Hon'ble Division Bench squarely apply to this case. From the aforesaid facts it is clear that the impugned Demolition Notice is not in conformity with the statutory requirements of Section 136 of the Tamil Nadu Urban Local Bodies Act and hence, it is liable to be set aside.



(15) In the result, the writ petition is allowed and the impugned Demolition

Notice dated 27.05.2025 is set aside. However, it is open to the respondents to invoke Section 136 of the Act after complying with the statutory requirements and by obtaining expert opinion on the structural stability of the building, in a scientific manner. No costs. Consequently, connected miscellaneous petition is closed.

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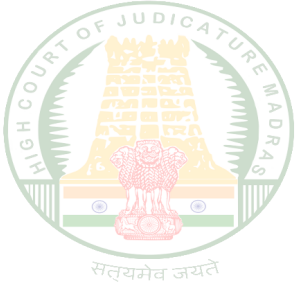
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

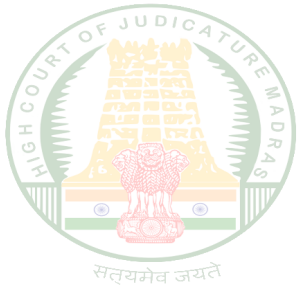


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N.MALA J.

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