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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23.10.2025**

CORAM

**THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN**

**WP Nos. 26540, 26546, 26550, 26583, 26595, 31952, 31960, 31966  
& 32759 of 2025**

**AND**

**WMP Nos. 29840, 29845, 29857, 29883, 29897, 35783, 35796, 35802  
& 36672 of 2025**

|                       |                                 |
|-----------------------|---------------------------------|
| Surendranath Pandey   | Petitioner in W.P.No.26540/2025 |
| Shashank Jain         | Petitioner in W.P.No.26546/2025 |
| P.Raveendran          | Petitioner in W.P.No.26550/2025 |
| Kaid Zohar            | Petitioner in W.P.No.26583/2025 |
| Surendranath Pandey   | Petitioner in W.P.No.26595/2025 |
| Mahesh Kumar Jaiswal  | Petitioner in W.P.No.31952/2025 |
| Mahesh Kumar Jaiswal  | Petitioner in W.P.No.31960/2025 |
| B.Kushal Raj          | Petitioner in W.P.No.31966/2025 |
| Janaki Prasad Jaiswal | Petitioner in W.P.No.32759/2025 |

v.



1. The Commissioner,  
Corporation of Coimbatore  
Coimbatore 641 001.

2. The Assistant Commissioner,  
Central Zone,  
Coimbatore Corporation.  
Coimbatore 641 108.

3.M.Ramasamy

4.Ananthakumar

5.Lalitha

Respondents in all the W.Ps

Writ petitions filed under Article 226 of the Constitution of India seeking a writ of Certiorarified mandamus calling for the records of the second respondent in Na.Ka.No.10585/2025/H1(M) dated 9.5.2025, quash the same and further direct the respondents from interfering with the peaceful possession and enjoyment of the properties situated at Door Nos.949, 947, 943-A, Avinashi Road, Coimbatore 641 018. Door Nos.196, 195, Dr. Nanjappa Road, Coimbatore 641 018, Door Nos.948, 948-A, 943-A and 944A Avinashi Road, Coimbatore 641 018, respectively.

**In all WPs**

For Petitioners : Mr.I.Abrar Mohammed Abdullah

For RR1 and 2 : Mr.D.Ferdinand, Standing Counsel

For RR3 to 5 : Mr.K.Venkatasubban for  
M/s.Sarvabhauman Associates



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**COMMON ORDER**

I had dismissed the writ petitions by order dated 09.10.2025.

During the course of discussion, I had held that the occupants of a ruinous building are not entitled for an opportunity of being heard. Subsequently, during the Diwali vacation, while going through certain papers, I came across a judgment of the Division Bench reported in ***S.Paulraj and Another v. R.Kaluvayee Ammal in W.A.(MD) No.322 of 2006 dated 06.12.2006***. This judgment has been reported in only one online journal, whose citation is **CDJ 2007 MHC 2294**. The Division Bench had held otherwise. As I had not signed the order, I posted the matter “for being mentioned”, after informing the respective counsels.

2. The petitioners in all the writ petitions are occupants of the property situated in Door Nos.194, 195 and 196 in Nanjappa Road and Door Nos.943 to 950 in Avinashi Road, Coimbatore. The landlords are respondents 3 to 5. The third respondent had approached the first respondent seeking initiation of an action against the building standing



over the aforesaid door numbers, as the same had become ruinous and unfit for human habitation.

3. On perusal of the request, the second respondent had directed the third respondent to get a building audit report from an expert. On the receipt of this direction, the third respondent approached the Government College of Technology, Coimbatore and sought for an inspection and a report of the building. The Government College of Technology, Coimbatore directed the third respondent to pay a sum of Rs.60,300/- and Rs.10,800/- for the said purpose. On payment of the aforesaid amount on 26.02.2025, the Head of the Department, Department of Civil Engineering (Structures) caused inspection of the buildings and submitted a report. In terms of the report, the expert came to a conclusion that the building's condition is very poor. She noted it is in a very bad condition, and that the structures need to be dismantled immediately. She added that it is not in a condition for further repairs also. This report was forwarded to the first respondent, who passed the impugned order.



4. I heard Mr.Abrar Mohammed abdullah for the petitioners, Mr.D.Ferdinand, learned standing counsel for respondent 1 and 2 and Mr.Venkatasubban,learned counsel for respondents 3 to 5

5. The petitioners claimed that the entire proceedings had happened behind their back and they were not put on notice. Mr.Abrar Mohammed Abdullah pleaded that had the first respondent issued them with a notice, they would have been in a position to convince that it is not necessary to demolish the entire building as stated in the impugned order. The plea of Mr.Abrar Mohammed Abdullah is that, the portion under occupation of all the petitioners is in sound condition, which does not fall within the category of ruinous state or dangerous to the passer-by or to the occupiers of the neighbouring structure.

6. Mr.K.Venkatasubban states that under Section 286 of the Coimbatore City Municipal Corporation Act, the power given to the Commissioner is an unbridled right to demolish the superstructure, even if the building is not in a condition covered under Section 327(1). He



points out that the representation given on 02.12.2024 was only to take appropriate action and not one seeking for demolition under Section 327 of the Act. In addition, Mr.D.Ferdinand, learned standing counsel for the respondents 1 and 2, points out that an appeal is maintainable against the order passed by the first respondent and relies upon a judgment of this Court in ***C.Shyamala and another v. The Commissioner, Coimbatore Corporation and two others in W.P.Nos.20235 & 20236 of 2020 dated 27.06.2022***. In terms of the judgment, a learned Single Judge of this Court had held that, as the petitioner has an alternate remedy under Section 452(1)(a)(i) of the Coimbatore City Municipal Corporation Act, a writ challenging an order under Section 327 is not maintainable. In addition, he pointed out that this Court in ***Shajahan v. The Commissioner, Corporation of Coimbatore and 3 others in W.P.Nos.8887 of 2018 (batch) dated 26.04.2018*** has held that it is the duty of the statutory authorities to protect the lives of innocent general public, and for the fact that civil suits or rent control proceedings are pending, is not a bar for the authorities to take action against a dangerous building. He points out that in this case, as the Commissioner has come



to a conclusion that the building is in a dangerous condition, the impugned order is correct and the writ petitions do not deserve any consideration.

7. I carefully considered the submissions of both sides and I have gone through the records.

8. With respect to the first judgment in C.Shyamala's case, there is no finding that there is a violation of principles of natural justice. It is a settled position of law that where there is a violation of principles of natural justice, the court will not persuade the party to avail alternate remedy. The plea of Mr.Abrar Mohammed Abdullah is that, none of the petitioners have been heard. This being a basic duty of the respondents, as held by the Division Bench, which will be referred to, subsequently, I am not in a position to apply the judgment in C.Shyamala's case to the facts of the present one. Insofar as Shajahan's case is concerned, the learned Judge had held, it is the statutory duty of the Commissioner to protect the persons from being injured on account of ruinous/ dilapidated



buildings. A reading of Section 327 makes it clear that the duty has been statutorily imposed. Yet, the judgment does not foreclose the right of the party to challenge the order, if there is a violation of principles of natural justice, as pleaded by the petitioners in the present case. Furthermore, the attention of both the learned Single Judges had not been drawn to the judgment in S.Paulraj's case (cited supra). When the Division Bench's judgment interpreting the provision is cited before me, it is my duty to apply the said Division Bench judgment and render a verdict. Hence, I proceed on to the merits of the case.

9. It is not in dispute across the bar that, prior to the passing of the impugned order, none of the petitioners were heard. An application had been filed by the landlord, which was subsequently processed by the first and second respondents, a report was obtained from an expert, and on the basis of the expert opinion, the impugned order came to be passed.

10. Section 327 of the Coimbatore City Municipal Corporation Act, 1981, is *in pari materia* with Section 327 of the Madurai City



Municipal Corporation Act, 1971. The Division Bench referred to in paragraph 1 of this judgment, had interpreted Section 327 of the Madurai City Corporation Act and held as follows:

*“9. The question of evacuation of the inmates arises only in the event any action is contemplated under sub-section (3) of Section 327 as to the imminent danger of the structure is possible on the satisfaction of the commissioner. Otherwise, whenever the commissioner takes suo motu action, not only the owner but also the occupier is entitled to an opportunity by way of notice. This provision is intended to ensure that an occupier is not summarily thrown out at the guise of evacuation for demolition of the building at the hands of the commissioner.*

*10. However, coming to the provisions of Section 286, as already referred to, the said provision entitles the landlord to make an application not only in case where the building is stable, but also when the building is in dangerous condition. We have also referred earlier that the commissioner issued the notice-*



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*dated 7.1.2004 to the landlord for demolition of the building within seven days, as the building exists in a dangerous condition. Keeping the above notice in mind, if the application or the permission for demolition is considered, it must be construed as one under Section 286 in respect of a building which is in dangerous or dilapidated condition, as allowing such building to exist will not be in the interest of either the inmates or the owners or neighbours as well as the passer-by. The submission of Mr.R.S.Ramanathan, the learned counsel for the appellants is that even in case permission is accorded for demolition, the same could be executed only after evicting the tenants by following due process of law. In our opinion, going by the object of the Tamil Nadu Buildings (Lease & Rent Control) Act, it is only to prevent the unreasonable eviction. The provisions of Section 286 cannot be read in a manner taking away the right of the landlord/owner to apply for immediate demolition solely on the ground that the building is in dilapidated and dangerous*



*condition. If the eviction proceedings are to be followed, after the permission for demolition is granted on the ground that the building is in dilapidated and dangerous condition, the very purpose of permission would have no meaning and by the time proceedings before the Rent Controller are concluded, anything may happen to the building. The only caution for the Court to find is as to whether the action taken by the landowner to resort to the provisions of Section 286 to apply for demolition has been to defeat the right of the tenants from unreasonable eviction. On the given case, we are of the considered view that even before the permission was accorded or the application by the legal heirs was made for demolition, a notice dated 7.1.2004 was issued by the commissioner probably under Section 327 requiring the landlord to demolish the building within a period of seven days. Hence the action contemplated by the landlord seeking for demolition cannot be considered as to defeat the unreasonable eviction of the tenants. If the matter is viewed from that angle,*



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*insofar as a building which is in dilapidated and dangerous condition and in case permission is applied and accorded, the provisions of Section 14 of the Tamil Nadu Buildings (Lease & Rent )Control Act cannot be relied upon by the tenants to contend that unless the eviction proceedings are initiated and concluded the permission granted for demolition cannot be given effect to.*

*11. However, as the notice has already been issued purportedly under Section 327 of the Madurai City Municipal corporation Act, in our considered view, an opportunity to the occupier is also necessary. Our attention is not drawn to any such notice issued by the commissioner before the notice dated 7.1.2004 was issued the landlord, to the occupier as well in terms of sub-section (1) of Section 327 and we also hasten to add that the source for the said notice cannot be traced to sub-section (3) of Section 327 as well. In that case only, a notice to the occupier is dispensed with. Hence, though permission is accorded to the landlord, the occupier is also entitled to a notice in terms*



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of sub-section (1) of Section 327 of the Act. Hence the order in the writ petition is modified and the writ appeal is disposed of with a direction to the Commissioner, Corporation of Madurai to afford an opportunity to the appellants as well and pass a fresh order as to the permission to be accorded to the owner of the property in question. However, a reading of sub-section (1) of Section 327 relating to the opportunity to the occupiers, in our considered view, is only to enable them to put on sufficient notice before permission for demolition is granted. This provision for opportunity cannot be stretched to a right to oppose the demolition on the ground that the building is not in dilapidated or dangerous condition. To this limited extent, the appellants are entitled for being heard by the commissioner and on such hearing of not only the appellants but also the landowners; fresh order for according permission shall be made by the commissioner. The Corporation shall complete such exercise within a period of three months from the date of receipt of a copy of this order. No costs.



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*Consequently, M.P.(MD) No.2 of 2006 is closed.*

The argument of Mr.Abrar Mohammed Abdullah, that as civil proceedings are pending, the power under Section 327 cannot be invoked. A similar submission was considered and rejected by the Division Bench. The power under Section 327 of the Act is *de hors* the provisions of the Tamil Nadu Buildings (Release and Rent Control) Act, and can be exercised by the Commissioner irrespective of the fact that rent control proceedings or civil suits are pending.

11. Having held so, the Division Bench further pointed out that under Section 327 of the Madurai City Municipal Corporation Act, the Commissioner has to put the occupants on notice before proceeding further. The Bench, as extracted above, held that such hearing is necessary, in order to enable the occupants to put them on sufficient notice before permission for demolition is granted and not to convince the Commissioner that the building is not in a dilapidated or dangerous condition.



12. Following the view of the Division Bench, by consent, I

pass the following order:

(i) As the parties have exchanged their respective petitions and documents, the impugned order dated 09.05.2025 shall be treated as a show cause notice for each of the petitioners to submit their explanations;

(ii) Mr.Abrar Mohammed Abdullah states that the petitioners will give their representations by **07.11.2025**. He states that at the time of submitting their representations, the petitioners will also produce materials, that the report of the expert relied upon by the petitioners, should not be relied upon;

(iii) The Commissioner, after having received the representations of the petitioners, shall conduct an enquiry with respondents 3 to 5 and each of the writ petitioner, and complete the enquiry by **14.11.2025**;

(iv) The Commissioner shall pass orders by **18.11.2025**; and,

(v) The Commissioner shall independently assess the report of the Government College of Technology, Coimbatore, as well as the



report that might be submitted by the petitioners and come to a conclusion.

13. These writ petitions are ordered on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Post the matter for compliance on **20.11.2025**.

**23.10.2025**

Internet :Yes/No

Neutral Citation: Yes/No

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To

1. The Commissioner,  
Corporation of Coimbatore  
Coimbatore 641 001.
2. The Assistant Commissioner,  
Central Zone,  
Coimbatore Corporation.  
Coimbatore 641 108.

**V.LAKSHMINARAYANAN J.**



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