



W.P.(MD)No.3193 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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Priya

... Petitioner

-VS-

- 1.The District Collector / The District Magistrate,
Collectorate, Dindigul District.
- 2.The Revenue Divisional Officer / The Executive Magistrate,
Office of RDO,
Dindigul Division, Dindigul District.
- 3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 4.The Block Development Officer,
Office of BDO, Reddiar Chathiram Block,
Dindigul District.
- 5.The Executive Officer,
Kothapulli Panchayat, Reddiar Chathiram,
Dindigul West Taluk, Dindigul District.
- 6.The Panchayat President,
Kothapulli Panchayat, Reddiar Chathiram,
Dindigul District.



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7.Valarmathi

8.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the dangerous building (Tiled House) situated at Dindigul District, Dindigul West Taluk, Reddiyar Chathiram, Kothapulli Village, comprised Old S.No.574/2A, New S.No. 574/8, by invoking the provision of Section 152(d) of the Bharatiya Nagarik Suraksha Sanhita 2023 and Rule 21 of Tamil Nadu Combined Development and Building Rules, 2019 by considering the petitioner's representation dated 26.12.2024, within a stipulated time to be fixed by this Court.

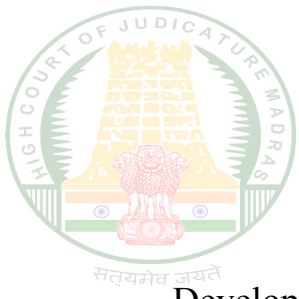
For Petitioner : Mr.K.R.Manimaran

For R1 to R3 & R5 and R6 : Mr.J.K.Jeyaseelan
Government Advocate

For R4 : Mr.V.OM Prakash
Government Advocate

ORDER

This Writ Petition has been filed for directing the respondents 1 to 6 to remove the dangerous building (Tiled House) situated in Old S.No.574/2A, New S.No. 574/8, at Dindigul District, Dindigul West Taluk, Reddiyar Chathiram, Kothapulli Village, comprised by invoking the provision of Section 152(d) of the Bharatiya Nagarik Suraksha Sanhita 2023 and Rule 21 of Tamil Nadu Combined



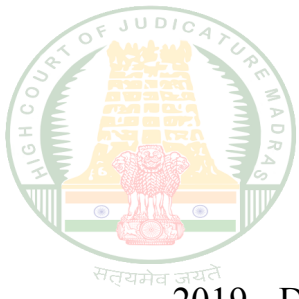
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Development and Building Rules, 2019 by considering the petitioner's representation dated 26.12.2024.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. Since no adverse orders are going to be passed against the respondents 7 and 8, notice to the respondents 7 and 8 is hereby dispensed with.

4. According to the petitioner, she purchased the property through a registered sale deed dated 24.09.2021. The building on the property was constructed over 60 years ago and is now in a dilapidated and ruinous condition, posing a risk of collapse at any moment. Therefore, the petitioner decided to demolish the building to safeguard the neighbours. However, the respondents 7 and 8 are preventing the demolition by demanding additional money, which has hindered the petitioner's efforts to carry out the demolition. Therefore, the petitioner submitted a representation to the respondents 1 to 6 on 26.12.2024, requesting the removal of the dangerous building under the provisions of the BNSS, 2023, and the Tamil Nadu Combined Development and Building Rules,

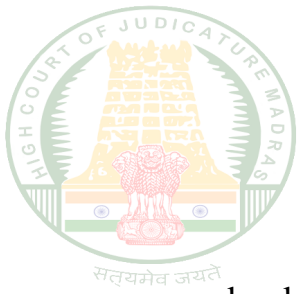


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2019. Despite repeated requests, no tangible action has been taken by the respondents 1 to 6. Hence, the present writ petition.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 6 herein to consider the petitioner's representation dated 26.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 7 and 8 herein, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also



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made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

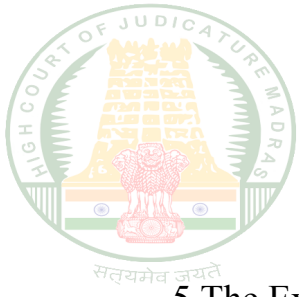
7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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04.02.2025

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- 1.The District Collector / The District Magistrate,
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5.The Executive Officer,
Kothapulli Panchayat, Reddiar Chathiram,
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6.The Panchayat President,
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