



W.P(MD)No.2724 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.2724 of 2022

The Tirumangalam Pandiyakula Kshatriya Nadars'
Vidhyasala Sangam Committee,
rep. by its Secretary,
Poomandalam,
Son of Natarajan
(Aged about 61 years)
Door No.308,
Madurai Road,
Tirumangalam – 625 706.
Madurai District.

..Petitioner

Vs

- 1.The Commissioner,
Madurai City Municipal Corporation,
Madurai.
- 2.The Assistant Commissioner,
Zone – III,
Madurai City Municipal Corporation,
Madurai.
- 3.The District Collector,
Madurai District.
- 4.The Commissioner of Police,
Madurai.
- 5.The Inspector of Police,
Vilakuthoon Police Station,
Madurai.
- 6.V.Shanmugam

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first respondent to fence off, take down, demolish and remove the north eastern portion of the subject building bearing Door No.138, North Marret Street, Madurai comprised in Town Survey No.535/1 measuring about 252 square feet out of 9882 square feet after ordering evacuation of the sixth respondent and other inmates and occupiers with the help of the respondents 4 and 5.

For Petitioner : Mr.J.Bharathan

For Respondents : Mr.K.K.Kannan

Standing Counsel for R1 & R2

Mr.D.Sasikumar

Addl. Govt. Pleader for R3 & R4

Mr.S.Prakash

Govt. Advocate (Crl. Side) for R5

No appearance for R6

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to fence off, dismantle, demolish, and remove the north eastern portion of the subject building bearing Door No.138, North Marret Street, Madurai comprised in Town Survey No.535/1 measuring about 252 square feet out of 9882 square feet after ordering eviction of the sixth respondent and other inmates and occupants, with the assistance of the respondents 4 and 5.



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2. The petitioner is the absolute owner of the subject building. The subject building is more than 90 years old and is in a dilapidated and dangerous condition. The sixth respondent is occupying a portion of the premises for non-residential purposes. The petitioner initiated eviction proceedings against the sixth respondent under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, on the ground of demolition and reconstruction, and the eviction petition was allowed. The appeal filed by the sixth respondent is pending. Pursuant to the collapse of nearby old buildings and in exercise of powers under Section 327 of the Madurai City Municipal Corporation Act, 1971, the first respondent issued a notice declaring the subject building to be dangerous and directing its demolition. The petitioner submitted a representation and thereafter, permission was granted by the second respondent to demolish the building. Demolition charges were also collected. Despite the above, the presence of the sixth respondent has prevented demolition. The petitioner submits that the building poses an imminent danger to life and property, and therefore seeks the aforesaid direction to the first respondent.

3. Though the sixth respondent refused to receive the notice, the photograph annexed to the writ petition clearly shows that the subject building is in a dilapidated condition.



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4. Mr.K.K.Kannan, learned standing counsel, appearing for the respondent Corporation, has also endorsed the said position and submitted that a portion of the building has already collapsed.

5. In view of the above submissions, this writ petition is allowed, and the building in question shall be demolished by the Corporation authorities. The police authorities, namely the respondents 4 and 5, shall extend all necessary assistance and protection to ensure effective demolition and removal of the building. No costs.

21.11.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn
To

- 1.The Commissioner,
Madurai City Municipal Corporation,
Madurai.
- 2.The Assistant Commissioner,
Zone – III,
Madurai City Municipal Corporation,
Madurai.
- 3.The District Collector,
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- 4.The Commissioner of Police,
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Vilakuthoon Police Station,
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P.T.ASHA, J.

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