



W.P(MD)No.4524 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.4524 of 2024

and

W.M.P(MD)No.4366 of 2024

R.Suthanthiran

..Petitioner

Vs.

1.The Karaikudi Municipality,
Through its Commissioner,
Karaikudi.

2.A.Ajmadrani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned proceedings in Na.Ka.No.3841/2023/F2 dated 22.02.2024 issued by the first respondent and quash the same.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.E.P.Venkateshwaran
Standing Counsel (for R1)

Mr.G.Prabhu Rajadurai (for R2)



W.P(MD)No.4524 of 2024

ORDER

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This writ petition has been filed challenging the impugned proceedings of the first respondent in Na.Ka.No.3841/2023/F2 dated 22.02.2024, wherein the first respondent directed the petitioner to vacate the premises within two days, failing which the property would be demolished.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the first respondent Municipality, and the learned counsel for the second respondent. Records have been perused.

3. The learned counsel for the petitioner submitted that the property situated at Door No.51, Town Survey No.153/1, Ajmadrani Complex, Kannan Bazaar, Uthama Vinayagar Koil Street, Sekkalai Road, Karaikudi, belongs to the second respondent. The petitioner is a tenant of the said premises for over 25 years, running a textile showroom in the name and style of "Prema Dresses". It is stated that the petitioner has been paying a monthly rent of Rs.18,000/- regularly without any arrears. However, the second respondent demanded an enhanced rent of Rs.25,000/- per month, which the petitioner found excessive and unfair. Upon his refusal, the second respondent issued a legal notice demanding the enhanced rent and threatening eviction. Aggrieved by the same, the petitioner filed O.S.No.18 of 2023 before the District Munsif Court, Karaikudi, seeking a decree of



W.P(MD)No.4524 of 2024

permanent injunction restraining the second respondent from evicting him except by due process of law. During the pendency of the said suit, the second respondent filed R.L.T.O.P.No.14 of 2023 under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 seeking eviction. The petitioner has challenged the maintainability of the said petition, which is pending consideration. While so, on 23.02.2024, the petitioner was served with the impugned notice dated 22.02.2024 issued by the first respondent, directing him to vacate the premises within two days, failing which the property would be demolished. The impugned notice also refers to an earlier notice dated 17.10.2023, which the petitioner asserts was never served on him. The petitioner therefore contends that the impugned proceedings were issued in violation of principles of natural justice and without conducting any proper inspection or hearing.

4. A counter affidavit has been filed on behalf of the first respondent-Municipality stating that the second respondent, being the owner of the premises consisting of six shops, submitted a written request dated 10.10.2023 seeking permission to demolish the building on the ground that it had become dilapidated due to water leakage and structural instability. It is submitted that out of six shops, four were already vacated, and only the petitioner's portion remained occupied, preventing demolition. Pursuant to



W.P(MD)No.4524 of 2024

the said request, a spot inspection was conducted on 17.10.2023 by the Town Planning Officer and Town Planning Inspector, who opined that the structure was unsafe and required immediate demolition. Accordingly, permission was granted to the second respondent under Rule 12(a) to (c) of the Tamil Nadu Combined Development and Building Rules, 2019, subject to certain conditions, including payment of demolition charges of Rs. 10,000/- to the Municipality. Thereafter, on 13.02.2024, the second respondent submitted a further petition stating that the petitioner had not vacated the premises. Consequently, the Municipality issued the impugned letter dated 22.02.2024, informing the petitioner to vacate the premises within two days, failing which the building would be demolished.

5. It is further stated that the second respondent has also approached the Tahsildar, Karaikudi, and the Inspector of Police, Karaikudi, seeking assistance for demolition, as the building poses danger to the public. It is also placed on record that R.L.T.O.P.No.14 of 2023 filed by the second respondent against the petitioner was dismissed on 06.01.2025.

6. I have considered the rival submissions of both sides.

7. On a careful consideration of the submissions and perusal of the records, it is evident that the demolition permission was granted on



W.P(MD)No.4524 of 2024

17.10.2023 based on a request by the second respondent and on the opinion of municipal officials that the building was in a weak condition. However, the impugned communication dated 22.02.2024 directing the petitioner to vacate within two days has been issued without affording any prior notice or opportunity of hearing to the petitioner, who is admittedly a tenant in lawful occupation of the premises and has already approached the civil court and rent control authority for protection of his tenancy rights.

8. It is settled law that before taking any coercive action that affects civil rights, the authority must follow the principles of natural justice by issuing prior notice and conducting due enquiry. Further, a direction to vacate within two days, without any emergency declaration or immediate safety assessment in the presence of the tenant, is arbitrary and unsustainable.

9. At the same time, the safety concerns raised by the first respondent and the structural condition of the building cannot be ignored. Therefore, a fresh inspection and proper assessment are required before any further action.

10. In view of the above, this Court finds that the impugned proceedings dated 22.02.2024 are vitiated for want of proper notice and



W.P(MD)No.4524 of 2024

enquiry. Accordingly, the writ petition is allowed, and the impugned proceedings in Na.Ka.No.3841/2023/F2 dated 22.02.2024 is set aside. The matter is remitted back to the first respondent for fresh consideration. The first respondent shall conduct a detailed inspection of the premises with notice to both the petitioner and the second respondent, record the physical condition of the building, and determine whether the structure indeed requires demolition. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

11.11.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.4524 of 2024

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