



WP(MD). No.7022 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 14/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.7022 of 2025

S.Sheik Allavudeen

... Petitioner

v.

1. The Commissioner of Corporation,
Trichy Corporation,
Trichy..

2. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy..

3. The Revenue Divisional Officer,
the Revenue Divisional Office,
Trichy.

4. Meharunnisha,
W/o.Late.Mahaboob Sherif,
No.27-A, Moolakollai Street,
Thennur,
Trichy – 17..

... 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 directing the respondents Nos.1 to 3 to demolish the dilapidated building in petitioner property in Old T.S.No.821 and New T.S.No.46 situated at Moola Kollai Street, Thennur Trichy by considering petitioner representation dated 10.01.2025.

For Petitioner : Mr.S.Krishnan
For Respondents : Mr.K.R.Kishore Ram for R1
for M/s.R.B.Law Associates
Mr.M.Karunanidhi for R2
Government Advocate
Mr.Kathiravan for R4
Mr.M.Sarangan for R3
Additional Government Pleader

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed to direct the respondents 1 to 3 to demolish the dilapidated building in petitioner property in Old T.S.No. 821 and New T.S.No.46 situated at Moola Kollai Street, Thennur Trichy by considering petitioner representation dated 10.01.2025.



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3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. The learned counsel for the petitioner would submit that the petitioner and his brother are in joint possession of the property in T.S.No.46 at Moola Kollai Street, Thennur, Trichy, which devolved upon them from their mother. Their mother purchased the property from one Abdul Raseeth. In the said property, the fourth respondent is residing as a tenant. Since the building is in dilapidated condition, the petitioner made a representation to the respondents to grant permission to demolish the same. While so, the 4th respondent has instituted a suit for declaration, wherein the petitioners were arrayed as respondents. However, the first respondent has not been added as a respondent in the suit. Suppressing the material facts, the suit came to be instituted. Since the building is in dilapidated condition, it may fall any time and hence, the petitioner has sent a representation to the respondents on 10.01.2025. Since the said representation was not considered so far, they are before this Court with this writ petition.



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5. Considering the submission made by the learned counsel for the petitioner and considering the fact that suit has already been instituted and the same is pending before the civil Court, if the petitioner is aggrieved, he can pursue the pending suit before the civil Court. Since the civil Court seized of the matter, we are not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs.

[J.N.B.,J]

[S.S.Y.,J]

14.03.2025

NCC : Yes/No

Index : Yes/No

RR

To

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