



W.P.(MD) No.9156 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.9156 of 2023

JanabMohaideenPitchai

... Petitioner

Vs

1. The Chairman and Managing Director,
National Textile Corporation Limited,
SCOPE Complex-Core IV,
New Delhi-110 003.

2. The Deputy General Manager (Marketing),
National Textile Corporation Limited,
Retail Marketing Division,
NTC House, Post Box No.2409,
35-B, Somasundaram Mills Road,
Coimbatore -641.

3. The Commissioner,
Pattukkottai Municipality,
Pattukkottai Town and Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to vacate and hand over the possession of Shop No.146, Big Street, Pattukkottai Town, Thanjavur District, admeasuring an extent of 640 Square Feet since the same is in dilapidated condition, failing which,



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consequently direct the third respondent to ensure to implement its proceedings dated 12.08.2022 in Na.Ka.No.1697/2022/F1 to demolish that dilapidated structure or for demolishing the entire building within a time frame based on the petitioner's representation dated 25.05.2022 and legal notice dated 09.01.2023.

For Petitioner : Mr.M.L.Ramesh

For R-1 & R-2 : Mr.K.Govindarajan,
Deputy Solicitor General of India

For R-3 : Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed seeking a direction to respondent Nos.1 and 2 to vacate and hand over the possession of Shop No.146, Big Street, Pattukkottai Town, Thanjavur District, admeasuring an extent of 640 square feet, as the same is in a dilapidated condition, failing which to consequently direct the third respondent to implement its proceedings dated 12.08.2022 in Na.Ka.No.1697/2022/F1 either to demolish the said dilapidated structure or the entire building within a time frame, based on the petitioner's representation dated 25.05.2022 and the legal notice dated 09.01.2023.

2. The learned counsel appearing for the petitioner would submit that the subject property is now occupied by respondent Nos.1 and 2 and



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is in a dilapidated condition, and therefore, the petitioner intends to demolish the same. However, the respondent Nos.1 and 2 have failed to vacate the premises. Hence, the petitioner has filed the present Writ Petition seeking a direction to respondent Nos.1 and 2 to vacate and hand over the possession of the premises to the petitioner.

3. The learned counsel appearing for respondent Nos.1 and 2 would submit that the relationship between the petitioner and respondent Nos.1 and 2 is that of owner and tenants. Therefore, the dispute pertains to tenancy and the petitioner must approach the Rent Control Court and not before this Court. If the petitioner seeks demolition of the property, he has to approach the competent Civil Court under Section 13(b) of the Rent Control Act.

4. Considering the submissions made on either side, it is evident that the relationship between the petitioner and respondent Nos.1 and 2 is that of owner and tenants. In such circumstances, the rights of the parties are governed by the provisions of the Rent Control Act, and the petitioner has to approach the Rent Control Court by invoking Section 13(b) of the Act. The third respondent had demanded a letter from the



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petitioner seeking permission to demolish the building. The petitioner submitted a letter to the concerned respondents on 25.05.2022. Based on the said application, the Municipal Authorities inspected the property and found that a portion of the roof had fallen down and that the building required demolition. It was also stated that in the event of any injury or loss of life, the petitioner would be held responsible. Accordingly, an order was passed by the third respondent on 12.09.2022.

5. In view of the above, this Court is of the considered view that the petitioner has to approach the Rent Control Court, and it is for the third respondent to inspect the property and take appropriate action, if at all the property is found to be in a dilapidated condition. At this juncture, the learned counsel appearing for the petitioner has submitted that in the event of any damage or any untoward incident occurring in the subject property, the petitioner shall not be responsible for the same.

6. Accordingly, this Writ Petition stands dismissed. Liberty is granted to the petitioner to approach the Rent Control Court. No costs.

03.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

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KRISHNAN RAMASAMY, J.

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