



WP(MD) No.12224 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-04-2025

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

WMP(MD) Nos.8987 and 8988 of 2025

IN

WP(MD) No.12224 of 2025

The Pennington Committee
Rep. by its Secretary, A.M.M.Radha Shankar, No.9,
Thiruvengkata Annaigal Street (Library Street), Srivilliputhur.

Petitioner(s)

Vs

The District Collector
Viruthunagar District, Virudhunagar. And 4 others

Respondent(s)

For Petitioner(s):

Mr.V.Radhakrishnan
Senior Counsel for Mr.V.Shathurthi Raja

For Respondent(s):

Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.S.Shaji Bino
Special Government Pleader for R-1 and R-2

ORDER

When the matter came up for admission, I had granted an order of interim stay and requested the learned Additional Advocate General, who represented the respondents to get instructions.

2. I heard Mr.V.Radhakrishnan, learned Senior Counsel for Mr.V.Shathurthi



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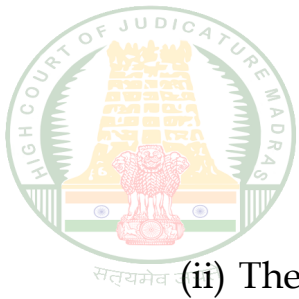
Raja for the petitioner and Mr.M.Ajmal Khan, learned Additional Advocate General
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assisted by Mr.S.Shaji Bino, learned Special Government Pleader for the respondents
1 and 2.

3. The petitioner challenges the final order passed by the second respondent dated 11.04.2025 and the consequential order passed by the third respondent dated 18.04.2025.

4. The second respondent, in exercise of the powers under Section 152 of Bharatiya Nagarik Suraksha Sanhita, 2023, has directed demolition of the buildings belonging to the petitioner situated at Survey Nos.1662/1, 1662/115 in Block 15, Ward 1, Srivilliputhur Town, Virudhunagar District. The second respondent seems to have obtained a report from an Expert Committee, appointed by her, on 07.04.2025. On that basis, she had ordered demolition of the buildings. Pursuant to the order passed by the second respondent, the third respondent had passed the consequential order dated 18.04.2025, directing disconnection of electricity to the premises of the petitioner.

5. Mr.V.Radhakrishnan, learned Senior Counsel, attacks the impugned order as follows:

(i) No show cause notice was issued to the petitioner and straightaway, a final order was passed on the directions of the District Collector – first respondent;



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(ii) The complaint before the first respondent had been given after an order of injunction had been granted by this Court in W.P.(MD).No.7625 of 2025;

(iii) The order is tainted by malafides as the petitioner thwarted the attempts of the respondents 4 and 5 to take possession of the petitioner Committee.

6. Mr.M.Ajmal Khan, learned Additional Advocate General, who has been instructed by Mr.S.Shaji Bino, learned Special Government Pleader, pleads as follows:

(i) In terms of Section 152 of Bharatiya Nagarik Suraksha Sanhita, 2023, the second respondent has the jurisdiction to take immediate steps to ensure that unsafe buildings are brought down;

(ii) The second respondent had not acted suo motu, but had obtained an opinion from a Committee of experts, who have certified that the building was unstable;

(iii) Even if this Court comes to a conclusion that the procedure followed by the respondents is not in accordance with BNSS, the impugned order can be set aside and remanded to the authority to give an opportunity to the petitioner and to pass fresh orders.

7. I have carefully considered the submissions of both sides. I have gone through the records.

8. There are situations, where if the proceedings are laid over for some time,



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sanity will be restored on all sides and precipitous action will not be taken by one side or the other.

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9. In the present case, the second respondent had passed an order on 08.03.2025, informing the petitioner Committee that it is the desire of the first respondent to nominate 13 individuals as members of the petitioner Committee. This was resisted by the writ petitioner. Soon thereafter, the second respondent informed the petitioner that a special general body meeting would be held on 14.03.2025 at 11.00 AM and that he would preside over the same. Challenging the same, a Writ Petition was presented before this Court in W.P.(MD).No.7625 of 2025.

10. On 20.03.2025, this Court admitted the Writ Petition and granted an order of ad-interim injunction. Despite the same, on 22.03.2025, the second respondent convened a meeting at the premises of the petitioner. Prior to entering the premises; the lock, that had been put over the doors, were broken open on the request of one Shanmuganathan, a former office member of the petitioner Committee. This constrained the writ petitioner to move this Court by way of a Contempt Petition in Cont.P.(MD).No.1017 of 2025.

11. When these facts were brought to the notice of the learned Additional Advocate General-II, who was then appearing for the respondents, he ensured that the orders of the Court are complied with and the keys of the building were handed



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over to the petitioner Committee on 04.04.2025.

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12. This Court appreciated the efforts taken by the learned Additional Advocate General - II and closed the Contempt Petition recording that the position, that prevailed on the date of passing of the order, had been restored.

13. Yesterday (29.04.2025), when W.P.(MD).No.7625 of 2025 was taken up for hearing, the learned Additional Advocate General-I informed this Court that the proceedings issued by the District Collector nominating 13 persons were only recommendatory in nature and that it was not binding on the petitioner Committee. Recording his statement, the Writ Petition was disposed of.

14. Soon after the interim order had been granted by this Court, the first respondent/District Collector had issued a direction to the petitioner Committee to submit a 'white paper' regarding its affairs. That order too was challenged before this Court by way of a Writ Petition. The said Writ Petition was allowed by this Court holding that the first respondent does not have the jurisdiction to demand issuance of a 'white paper'. It is during the interregnum period that the present impugned order has come to be passed.

15. A perusal of the records produced by the learned Additional Advocate General shows that one Vadabadrasaiyee had given a representation to the District Collector on 20.03.2025, stating that the Pennington market, which is owned by the



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writ petitioner is not being maintained properly and is in a dilapidated condition. On the same day, the first respondent had sent the papers to the second respondent and in a lightning speed, the second respondent had constituted a Committee to inspect the building. The Committee is said to have inspected the building and had submitted a report on 07.04.2025. The learned Additional Advocate General-I has been kind enough to produce the report before this Court.

16. A perusal of the report shows that the Committee has not submitted a report for immediate demolition of the building. It has pointed out defects in the maintenance, which, it has suggested, ought to be rectified for the strength of stability of the building.

17. Looking at the impugned order in isolation, I would necessarily have to agree with the learned Additional Advocate General. However, the narration of the facts stated above shows that disputes have arisen between the petitioner and the Revenue Department from March 2025 onwards. The present proceeding is an offshoot of the said dispute. This is a prima facie conclusion for the purpose of disposal of the stay application.

18. I should point out that the present office holders of the first and second respondents have been impleaded as respondents 4 and 5 and without their counter to the main Writ Petition, it might not be proper on the part of this Court to give any



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finding on the malafides. For the purpose of disposal of this application, it is suffice to record that the second respondent had not passed any preliminary order nor had furnished the report of the expert committee to the writ petitioner. It is too fundamental that any order passed against a person should be after giving an opportunity to the said person. The fashion in which one order after other has been passed and the manner in which the papers have been moved faster than the speed of light from the hands of the complainant to the first respondent, from the first respondent to the second respondent and from the second respondent to the formation of the Committee, do raise certain doubts about the purpose for which the power has been invoked. This too is only a prima facie finding. A detailed analysis is reserved for the purpose of final disposal.

19. As I had come to the conclusion that the petitioner had not been served with a preliminary order and straightaway, a final order of demolition had been passed, the petitioner had made out a prima facie case.

20. Furthermore, it is not in dispute that 242 shops are operating from the Pennington Market and the interest of those persons, who are in occupation of the premises, require to be protected. It is an old proverb that 'when elephants fight, it is the grass on the ground, which suffers'. On account of the dispute between the petitioner and the respondents 1 to 5, the shop keepers need not suffer.



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21. Taking overall circumstances into consideration, the interim order of stay granted by this Court on 24.04.2025 is made absolute.

22. Post the Writ Petition in the usual course.

sd/-
30/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LM
TO

1. The District Collector
Viruthunagar District, Virudhunagar.

2. Executive Magistrate cum the Sub Colelctor
Sivakasi Division, Sivakasi, Virudhunagar District.

3. Assistant Engineer (Electrical)
Urban / Market Bazaar, TANGEDCO, Srivilliputhur, Virudhunagar District.
+1CC to Spl.Government Pleader SR.No.30402 (F) DT.02/05/2025

ORDER IN
WMP(MD) No.8987 of 2025 IN
WP(MD) No.12224 of 2025
Date :30/04/2025

SA/SAR. /22.05.2025/8P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.