



W.P.(MD) No. 20959 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 20959 of 2025

K.Sarada

... Petitioner

Vs

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The Assistant Commissioner,
Zonal-III (Central),
Madurai Corporation,
Madurai 625 001.

3. The Assistant Executive Engineer,
Zonal-III,
Madurai Corporation,
Madurai-1.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to give co-operation to demolish the petitioner's old building in T.S.No.721/1, Town Survey Ward No.IV, Block No.6, Madurai Town, Dindigul Road, Madurai and also give adequate protection.



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For petitioner : Mr. I.Saliyakhan

For respondents : Mr.K.Sivabalan
Standing Counsel

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. The petitioner has approached this Court for the relief to direct the respondents to give co-operation to demolish the petitioner's old building in T.S.No.721/1, Town Survey Ward No.IV, Block No.6, Madurai Town, Dindigul Road, Madurai and also give adequate protection.

3. The learned counsel for the petitioner submits that the old building near Periyar Bus Stand was broken and some people died. Hence, the second respondent issued a notice to the petitioner, who is one of the owner of the old buildings in Zonal III ward, in the year 2022. In response to the same, the petitioner sent a letter to the tenant to vacate the premises. However, a tenant,



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namely, M/s. Sri Mappillai Vinayagar Soda Company, proprietor Ambalavanan, was refused to vacate the premises. Hence, the petitioner was unable to demolish the building. The second respondent sent a Demolition Notice to the building address. However, the tenant did not hand over the said notice to the petitioner. Hence, the petitioner was not aware of the issuance of the demolition notice issued by the second respondent. Now, the petitioner is ready to demolish the said building.

4. It appears that earlier, the petitioner has also issued a notice on 07.09.2024 to the said Ambalavanan, who appears to be a tenant, who is refusing to vacate the premises of the petitioner.

5. It is therefore submitted that the petitioner is unable to demolish the property. The petitioner has secured the Demolition Order from the second respondent on 07.12.2022. However, the petitioner is unable to proceed further in view of the occupation of the property by the said Ambalavanan.



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6. Considering the same, the respondents 2 and 3 are directed to inspect the property and take a call whether the property is really in a dilapidated condition or whether the petitioner is taking advantage of the machinery to unfairly vacate the said tenant, namely, Ambalavanan.

7. This exercise shall be completed by the respondents 2 and 3 within a period of four (4) weeks from the date of receipt of a copy of this order.

8. In case the building is not in a dilapidated condition, the petitioner should work out the remedy in the manner known to law. All the charges in connection with the said proceedings in respect of the property shall be borne by the petitioner.

9. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

apd

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