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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29641 of 2025

and

W.M.P(MD)No.22936 of 2025

V.Meenakshi Sundaram

...Petitioner

Vs

1. The Madurai City Municipal Corporation,
Represented by its Commissioner,
Madurai.

2. The Assistant Commissioner,
Zone-4(South),
Madurai City Municipal Corporation,
Madurai.

3. K.Saroja

4. K.Venkatesh

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of MANDUMUS directing the respondents 1 and 2 to permit the petitioner to comply with the notice dated 28/04/2025 issued by the second respondent and consequentially forbearing the respondents 3 and 4 from obstructing the petitioner from demolishing and removing the old dilapidated and dangerous building bearing Door No. 216, South Marret Street, Madurai in Old Town Survey No. 2352 Part and New Town Survey No. 2352/3.



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For Petitioner : M/s.J.Barathan

For Respondents M/s.K.K.Kannan for R1 & R2
M/s.S.Rengasamy for R3 & R4

* * * * *

ORDER

The present writ petition has been filed seeking a mandamus as against the respondents 1 and 2 to permit the petitioner to comply with the notice dated 28.04.2025 wherein the petitioner has been permitted to demolish his building in Door No.216, South Marret Street, Madurai.

2. The learned Counsel appearing for the respondents 3 and 4 submits that they have approached the Additional District Munsif Court, Madurai, in O.S.No.768 of 1998 and had obtained a decree for permanent injunction as against the petitioner's vendor not to demolish eastern side wall of door No. 216-A. Therefore any permission granted by the respondent Corporation would affect the eastern side wall of their house bearing door No.216-A.

3. The learned Counsel appearing for the petitioner has filed an affidavit of undertaking. Paragraph Nos.7 to 9 of the said undertaking are extracted as follows:-



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“7. I hereby undertake that I will demolish and remove my old dilapidated and dangerous building bearing Door No. 216, South Marret Street, in Old Town Survey No. 2352 Part and New Town Survey No. 2352/3 along with my western wall, without causing any damage to the building bearing Door No. 216A, South Marret Street along with its eastern wall belonging to the respondents 3 and 4. I further submit that on the eastern side of the property bearing Door No. 216A, there is only a pathway and a staircase. To be more specific, I humbly submit that the building / superstructure is situated only on the western portion of the property bearing Door No. 216A. The eastern portion of the property bearing Door No. 216A is retained by the respondents 3 and 4 only as an open space and pathway.

8. I further undertake that I would take utmost precautions with the technical expertise of qualified civil engineer to prevent any damage or destruction of the building of the respondents 3 and 4. I humbly submit that for taking such precautionary measures and steps, the respondents 3 and 4 may be directed to permit me, my civil engineer and his team of workmen to inspect the entire building bearing Door No. 216A and to install necessary safety measures including scaffolding (installation of steel jockey supports/temporary props) to safeguard their staircase.

9. I further undertake that in case of any damage or destruction of the eastern wall of the respondents 3 and 4 or their staircase abutting it, I will reconstruct the same at my own cost at my own responsibility within 30 days. I will abide by all the conditions that may be imposed by this Honourable Court for enforcing my above undertakings.”

4. According to the learned Counsel appearing for the writ petitioner, he would not cause any damages to the eastern side wall of the building belonging to the respondents 3 and 4 which is located in door No.216-A. He further



submits that he has demolished the major portion of the building and some portions remain to be demolished.

5. The learned Standing Counsel appearing for the Corporation submits that already permission has been granted to the writ petitioner to demolish his building on the ground that it is a dilapidated building.

6. The learned Counsel appearing for the respondents 3 and 4 submits that the petitioner's vendor has already put up a pillar on his property and has raised building in door No.216. Therefore, he cannot touch upon the eastern side wall of the building in door No.216-A.

7. In view of the above said facts, it is clear that the respondent Corporation has already granted permission to the writ petitioner to demolish door No.216. However, the demolition work has to be carried out in such a manner that it is not in violation of the decree passed in O.S.No.768 of 1998 dated 25.10.2000, on the file of the Additional District Munsif Court, Madurai. An undertaking affidavit already filed by the petitioner is taken on record.



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8. With the above said observations, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is also closed.

05.01.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The Commissioner,
The Madurai City Municipal Corporation,
Madurai.

2. The Assistant Commissioner,
Zone-4(South),
Madurai City Municipal Corporation,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

W.P.(MD)No.29641 of 2025

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