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**(2003) 02 MAD CK 0034**

**In the Madras High Court**

**Case No :** Writ Petition No. 3368 of 2003 and WPMP. No's. 4219 and 4220 of 2003

H. Shajahan

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

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**Date of Decision :** 04-02-2003

**Acts Referred:**

Constitution of India, 1950 — Article 226

Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1976 — Section 4, 7, 9

**Citation :** (2003) 02 MAD CK 0034

**Hon'ble Judges :** P. Sathasivam, J

**Bench :** Single Bench

**Advocate :** K. Govi Ganesan, for the Appellant; R. Chandrasekar, Government Advocate, for the Respondent

**Final Decision :** Dismissed

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**Judgement**

1. Aggrieved by the order of the first respondent dated 27.08.2002, informing the petitioner that the building in question is in dilapidated condition

and it cannot be used any longer, requesting him to vacate the same, has filed the above writ petition to quash the said order.

2. According to the petitioner, he entered into a rental agreement dated 30.04.1996 in respect of Shop No.4 situated at PAPJM Library Building

at Main Guard Gate, Trichy - 8 on a monthly rental basis, initially for a period of 11 months. The third respondent filed an application under

Sections 4 and 7 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 (in short "the Act") for evicting the petitioner

from the said premises on the ground that he has not paid the rent as per the recommendation of the Rent Review Committee. Aggrieved by the

same, the petitioner filed a statutory appeal u/s 9 of the Act before the District Court, Trichy in CMA.No.13 of 2001. The appeal was allowed

and remanded to the Estate Officer for fresh enquiry. On meeting the shop owners, the third respondent informed that there is no need to demolish

the building and certain repairs to the building can extend the life of the building for a further period of 10 years. The 4th respondent conducted an

inspection in the month of January, 2002 and submitted his report on 13.03.2002 to the first respondent. In the said report, the 4th respondent has

stated that if repairs are carried out, the life span of the building can be extended to a further period of 10 years and the cost of such repairs was

estimated at Rs.20.97 lakhs. While so, the first respondent, instead of appointing a Committee of Experts to go into the veracity of the reports,

passed the impugned order for demolishing the building and permitting the third respondent to construct a new building. Questioning the said

action, the petitioner has filed the above writ petition.

3. The learned counsel for the petitioner by drawing my attention to the report of the 4th respondent dated 13.03.2002, submitted to the first

respondent would contend that in the light of the opinion of the 4th respondent, namely that the demolition is not required at present and if repairs

are carried out, the life span of the building can be extended to a further period of 10 years, the present order of the Government cannot be

sustained. I am unable to appreciate the said contention for the following reasons. It is true that the 4th respondent after making inspection,

informed the Government that by doing repairs to the extent of Rs.20.97 lakhs, the life span of the building can be extended to a further period of

10 years. However, it is seen from the order impugned that on receipt of the report from the 4th respondent as well as the third respondent, the

first respondent - Government, deputed the higher officials from the Education, Library and Public Works Department etc., for inspection and

report the actual condition of the building. The said Committee / Officers inspected the building on 14.07.2002 and after noting the dilapidated

condition of the building, submitted a report for immediate demolition of the building in question. The following factual details are relevant.

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neuKk; gyj;j nrjj;jpw;F cs;shFk; epiyapy; cs;sJk; Ma;tpd; nghJ mwpag;gl;lJ.

4. The above factual conclusion show that the building requires immediate demolition and the same cannot be used any longer. When the

Government, which is the ultimate authority, on the basis of the report of the concerned Officers from Departments like Education, Library, Public

Works, after holding that the building in question cannot be used any longer, I am of the view that interference by this Court exercising jurisdiction

under Article 226 of the Constitution of India, particularly with reference to the factual conclusion cannot be warranted. Further, in the light of the

said factual condition, in the interest of public, it is not safe and desirable to allow the tenants to continue, causing dangerous to public life.

Accordingly, I do not find any valid ground to interfere with the order impugned in this writ petition. Consequently, the writ petition fails and the

same is dismissed.

5. In view of the dismissal of the main petition, connected WPMPs., are also dismissed.