

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.10277 of 2015
and
M.P. Nos.1 and 2 of 2015

R. Chandran

... Petitioner

vs.

The Commissioner
Salem Corporation
Salem

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records with respect to the impugned notice issued by the respondent herein dated 29.01.2015 in the proceedings in Na.Ka.00777 and quash the same.

For petitioner : Mr. R. Nalliyappan

For respondent : Ms. K. Bhuvaneswari

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Ms. K. Bhuvaneswari, learned counsel, takes notice for the respondent. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner has come up with the instant writ petition challenging the notice issued by the respondent under Sections 274, 283, 296(1) and (2), 297 and 447 of the Salem Municipal Corporation Act, 1994, whereby and whereunder, the petitioner has been called upon to remove the unauthorised construction within a period of seven days.

3. The learned counsel for the petitioner submits that the petitioner is not in encroachment and is in possession of proper patta and title.

4. In that view of the matter, we are of the view that the petitioner be given an opportunity to put forward his case before the authorities as early as possible, preferably, within a period of two weeks. Thereafter, the authorities shall take appropriate steps on merits and in accordance with law. If on proper examination, it is found that there is encroachment and the petitioner is not willing to remove or demolish the so-called unauthorised structure, the authorities are competent to take necessary coercive steps.

5. We are informed that the petitioner is going to perform Kumbabhishekam for the temple on 01.05.2015. The petitioner is restrained from performing any ceremony, including Kumbabishekam, except the day-to-day worship. The authorities are further directed to ensure that no such ceremony is performed in the temple in question, till final orders are passed by the authorities.

6. The writ petition stands disposed of with the above observations and directions. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

cad

To

The Commissioner
Salem Corporation
Salem

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.19541

RK(CO)
CA(22/04/2015)

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