

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.06.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.15733 of 2015
and M.P.No.1 of 2015

S.Srikumar ... Petitioner
Versus

1.Joint Commissioner/Executive Officer,
Arulmighu Subramania Swamy Temple,
Thiruchendur - 628 215.

2.The Commissioner,
H.R & C.E Department,
119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600034.

3.The Chairman
Tamil Nadu State Coastal management Authority
and Principal Secretary, Department of Environment and Forests,
First Floor, Panagal Building,
Saidapet, Chennai 600015.

4.Superintending Archaeologist,
Archaeological Survey of India,
Chennai Circle, Fort St.George,
Chennai 600 009.

.. Respondents.

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, forbearing the respondents 1 and 2 from constructing Kavai Mandapam in front of the Rajagopuram in Thiruchendur Subramania Swamy Temple, and also the 3rd and 4th respondents from demolishing all the unauthorised structures, including the Office within the temple that has been put up by the respondents 1 and 2 in Thiruchendur Subramaniya Swamy Temple in violation of Coastal Regulation Zone and Heritage Guidelines and further directing the 4th respondent to restore the Temple to its original state by carrying out appropriate renovation and repair works without affecting its heritage value and in future take all care to preserve and conserve the Temple.

For Petitioner ::: Mr.S.P.Chockalingam

For Respondents::: Mr.S.T.S.Murthy
Government Pleader

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

It has been pointed out to us by the learned counsel for the respondents that an earlier petition filed in respect of the same temple by another party has been dealt with in W.P.Nos.13097 and 13489 of 2014 by order dated 19.09.2014, passed by the Madurai Bench of the Madras High Court. Learned counsel for the petitioner however seeks to contend that the scope of the present petition is wider.

2. Be that as it may, the fact remains that there is not even a whisper of the earlier petition and an endeavour to distinguish the scope of that petition from the present petition. The petitioner has also not filed any representation before the authority concerned about his grievance. In so far as the issue of CRZ is concerned, that is not the concern of the petitioner as he claims to be interested in conservation of temples.

3. Learned counsel for the petitioner faced with the aforesaid situation seeks to withdraw the writ petition and he will move the authorities concerned through representation pointing out his grievance, but keeping in mind the aspects already dealt with in the earlier order.

4. The writ petition is dismissed as withdrawn in terms of the aforesaid. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ksr

Copy to:

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Chennai 600 009.

1 cc to Mr.A.S. Kailasam & Associates, Advocate, Sr. 27132

1 cc to Mr.S.P.Chockalingam, Advocate, Sr. 27030

2 ccs to Government Pleader, Sr. 27343, 27057

W.P.No.15733 of 2015

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