

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-02-2015

CORAM

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.9305 of 2009
and
M.P.No.1 of 2009

S.Gopalan

...Petitioner

vs

1.The Commissioner
Hindu Religious & Endowment Board
Nungambakkam, Chennai 600 034

2.The Joint Commissioner
Hindu Religious & Endowment Board
Trichy

3.The Executive Officer
Arulmigu Kalyanapasupatheeswarar
Thirukoil
Karur

4.The Commissioner
Karur Municipality, Karur

5.Sarathy K.Subramaniam
(R5 impleaded as per order
dated 17.7.2009 in M.P.Nos.2 and 3
of 2009)

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 not to put up any further construction on the southern side of the temple known as Karur Arulmigu Kalyana Pasupatheeswarar Thirukoil, Karur fully described in the Schedule of petition and demolish the construction already made as per the direction of the previous Commissioner of the Hindu Religious and Endowment Board.

For Petitioner : No appearance

For Respondents : Mr.S.Kandaswamy
Special Government Pleader
(HR & CE) for RR1 to 3

Mr.S.T.S.Murthy
Government Pleader for R4

Mr.Sundar for R5

ORDER

(Order of the Court was made by THE HON'BLE CHIEF JUSTICE)

None appears for petitioner. On hearing the learned Special Government Pleader, we are of the view that the third respondent should carry out inspection of the site and proceed in accordance with law qua any unauthorised construction, which will be existing, if there is no legal interdict. This is in the context of the observations contained in para 4 of the order passed in the interim application being M.P.No.4 of 2009 on 1.9.2009, which read as under:-

"4.It may be noted that the then Commissioner of the H.R. & C.E. Department, by his order dated 3.12.2008, had ordered that further construction of these shops be stopped and the structure which is under construction be demolished. The applicant herein has already filed a revision petition before the State Government against the said order of the Commissioner. The revision petition is pending and the Government has granted stay of the order of the Commissioner. The order of the Government, however, will not operate in view of the stay granted by this Court. The applicant should proceed and get that revision petition decided. In the event the revision petition is allowed, then the applicant may once again approach this Court for his submissions to be considered by the Court. In the event his revision petition is dismissed, this writ petition itself will get worked out and in that case, the writ petitioner will not press the writ petition."

2.The writ petition accordingly, stands disposed of. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar

/ True copy /

Sub Assistant Registrar

nsv

To:

- 1.The Commissioner
Hindu Religious & Endowment Board
Nungambakkam, Chennai 600 034
- 2.The Joint Commissioner
Hindu Religious & Endowment Board
Trichy
- 3.The Executive Officer
Arulmigu Kalyanapasupatheeswarar
Thirukoil
Karur
- 4.The Commissioner
Karur Municipality, Karur

+1 cc to Mr.M.Sundar, Advocate SR.7441 dated 11/2/15

सत्यमेव जयते

W.P.No.9305 of 2009

AD(CO)

JK 21/02/15

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