

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P.No.9656 of 2010

E.Chandrasekaran

...Petitioner

-vs-

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Chief Secretariat,
Chennai.
 2. The President,
Kasipalayam Municipality,
Poondurari Road,
Moolapanayam,
Erode-638 002.
 3. The Executive Engineer,
Tamilnadu Housing Board,
Erode Housing Board Section,
Soorampatti Naal Road,
Erode-9.
 4. The District Collector,
District Collector Office,
Perundurai Road,
Erode-11.
 5. Unni Krishnan
 6. Nandhakumar
 7. Sakthivel
 8. Neelakandan
- (Respondents 5 to 8 impleaded as per
order dt.16.3.2015 in M.P.No.2 of 2010
in W.P.No. 9656 of 2010)

...Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to remove the illegal constructions of the unapproved temple and utilise the land for the purpose of over head tank and children park at Survey No.453 to 462 and 489, Muthampalayam Housing Unit, Phase-I, Erode.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents : Mr.STS.Moorthy
Government Pleader for R1 & R4

No Appearance for R2 & R3

O R D E R

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

The petitioner is aggrieved by the unauthorised commencement of construction of a temple on the land ear-marked by the third respondent for the purpose of over head tank and children park at S.Nos.453 to 462 and 489, Muthampalayam Housing Unit, Phase-I, Erode.

2. Interim orders were granted on 07.06.2010 with a direction to continue the same till further orders on 24.06.2010.

3. No counter-affidavit has been filed, despite repeated opportunities granted.

4. The learned counsel for the petitioner states that he has received the change of vakalat recently.

5. Be that as it may, in view of the interim orders passed, the construction could not have been carried on further. Respondent Nos.3 and 4 are, thus, directed to proceed in accordance with law, if any unauthorised construction is still found at site and pass orders within one month of the receipt of our order, after notice to all concerned.

6. The writ petition is, accordingly, disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Chief Secretariat,
Chennai-9.
2. The President,
Kasipalayam Municipality,
Poondurari Road,
Moolapanayam,
Erode-638 002.
3. The Executive Engineer,
Tamilnadu Housing Board,
Erode Housing Board Section,
Soorampatti Naal Road,
Erode-9.
4. The District Collector,
District Collector Office,
Perundurai Road,
Erode-11.

1 CC to M/s. K.C. Karlmarx, Advocate SR.No. 15225

1 CC to Mr.K.T.S.Sivakumar, Advocate SR.No. 14567

1 CC to the Government Pleader, SR.No. 14652

W.P.No.9656 of 2010

MP (CO)
PSI (08.04.2015)

सत्यमेव जयते

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