

In the High Court of Judicature at Madras

Dated: 04.06.2015

Coram:

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

Writ Petition No. 8504 of 2015  
and M.P. No.1 of 2015

G. Pechimuthu .. Petitioner  
vs.

1. The Secretary  
Rural Development and Panchayat Raj  
Department  
Fort St. George, Chennai-600 009.
2. Director of Rural Development  
and Panchayat Raj  
Panagal Building Chennai-600015.
3. District Collector & Chariman  
District Rural Development Agency  
Collectorate, Coimbatore-18.
4. Assistant Director (Panchayats)  
Rural Development, Coimbatore.
5. The Block Development Officer  
Thondamuthur-641 109.
6. Chairman, Panchayat Board  
Perur Chettipalayam  
Thondamuthur-641 109.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to directing the respondents herein to stop the construction of Hindu Temple by private persons in the reserved space belonging to Perur Chettipalayam Panchayat of Coimbatore District in Survey No.91/2A of Perur Chettipalayam Panchayat that was actually reserved for Public Park and to direct respondents to remove the idols and all other structures erected by private persons and to maintain that land as the Public Park and promote the ecology and environment for providing healthy condition as per the matters enumerated in Eleventh Schedule of Constitution of India.

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For Petitioner : Mr. M. Shankar  
For Respondents : Mr. S.T.S. Murthi  
Government Pleader for R1 to R6  
Mr. Karthikeyan Anbazhagan  
for M/s. Sarvabhauman Associates  
(not impleaded as party)

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O R D E R

(Made by The Hon'ble The Chief Justice)

The affidavit filed by the President of the Village Panchayat states that the temple has been unauthorisedly constructed, but no action has been taken on account of apprehension of law and order situation and for that purpose, the assistance of the District Collector has been sought.

2. On the other hand, the learned counsel present for the residents Welfare Association (not impleaded as party) states that a small area has been used for the temple after obtaining permission.

3. The aforesaid matter being one of alleged encroachment on public land and the matter requiring investigation as to whether something has been done with or without permission, we call upon the District Collector/third respondent to look into the matter and take a decision on the same after notice to all concerned within a period of one month from today.

4. The writ petition accordingly stands disposed of. No costs. Consequently, M.P. No.1 of 2015 is closed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

Copies to;

1. The Secretary  
Rural Development and Panchayat Raj  
Department  
Fort St. George, Chennai-600 009.
2. The Director of Rural Development  
and Panchayat Raj  
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6. The Chairman, Panchayat Board  
Perur Chettipalayam  
Thondamuthur-641 109.

+1 cc to Mr.M.shankar, Advocate, SR.26603

+1 cc to M/s.Sarvabhauman Associates, advocate, SR.26705.

+1 cc to Government Pleader, SR.26664.

Msm(co)  
krd 12/6

W.P. No. 8504 of 2015



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