

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.9833 of 2014

and

M.P.No.1 of 2014

Arulmighu Devi Kollapuri Amman Temple
represented by its Hereditary Trustees
Vatchalapuram
Thirunindravur
Poonamallee Taluk
Chennai - 24. ... Petitioner

Vs.

1.The District Collector
Thiruvallur District
Thiruvallur-1.
2.The Revenue Divisional Officer
Thiruvallur District
Thiruvallur - 602 001.
3.The Tahsildar
Poonamallee Town
Poonamallee
Chennai-56.
4.The Managing Director
Chennai Metropolitan Transport Corporation
Anna Salai
Chennai-2. .. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, forbearing the respondents their officials subordinates, servants or anybody claiming through or under them from interfering with the peaceful possession and enjoyment of the petitioner Temple in respect of their land in Survey No.226/32 (earlier in Survey No.146), Vatchalapuram, Thirunindravur, Thiruvallur District, measuring 1.95 Acres.

For Petitioner : M/s.R. Ramaraj
For Respondents No.1 to 3 : Mr.R. Ravichandran
Addl. Govt. Pleader
For Respondent No.4 : Mr.M. Chidambaram
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ORDER

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the respondents.

2.This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, forbearing the respondents and their men from interfering with the peaceful possession and enjoyment of the petitioner Temple, in respect of its land, in Survey No.226/32 (earlier in Survey No.146), Vatchalapuram, Thirunindravur, Thiruvallur District, measuring 1.95 Acres.

3.The main contention raised on behalf of the petitioner is that the vehicles belonging to the fourth respondent are parked in the vacant land belonging to the Temple, causing serious hardship to the petitioner, as well as to the other devotees coming to worship in the temple in question.

4. At this stage of the hearing of the writ petition, a counter affidavit, dated 20.8.2014, has been filed on behalf of the fourth respondent.

5. Paragraph No.3 of the said counter affidavit reads as under:-

"It is submitted that the fourth respondent Corporation is functioning for the benefit and welfare of Public bus passengers and not on profit motive. The 4th respondent's bus does not go to Vatchalapuram. If it is so the question of using/parking of MTC buses may not arise at all. The fourth respondent's buses never parked in the place comprised in Survey No.226/32 (earlier Survey No.146) measuring 1.95 cents land situated at Vatchalapuram as Bus-stand. The fourth respondent is neither used the disputed place as bus-stand nor parked the MTC buses there. If the Village people don't want bus-stand, let them choose any public place to park the MTC buses."

6.In view of the above averments made in the counter affidavit filed by the fourth respondent, this Court is of the considered view that no further orders are necessary.

5. The writ petition stands closed. No costs. Consequently,
Connected M.P. Is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector
Thiruvallur District
Thiruvallur-1.

2.The Revenue Divisional Officer
Thiruvallur District
Thiruvallur - 602 001.

3.The Tahsildar
Poonamallee Town
Poonamallee
Chennai-56.

4.The Managing Director
Chennai Metropolitan Transport Corporation
Anna Salai
Chennai-2.

+1 cc to Mr.R.Kamaraj Advocate sr 42804
+1 cc to Mr.M.Chidambaram Advocate sr 42769
+1 cc to Government Pleader High Court, Madras
sr 43064

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