

SUB APPL No.58 of 2016

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mr Justice M.M.SUNDRESH

D.ANANDARAJ
S/O DOSS
NO 89/22 8TH CROSS
STREET
TRUSPURAM
KODAMBAKKAM CHENNAI
024

Vs
MR.P.B.MAHENDRAN
ASSISTANT REVENUE OFFICER
CORPORATION
OF CHENNAI
NO 64 NSK SALAI
CHENNAI 024

The original petition was disposed of on 14.10.2015, wherein the petitioner had alleged an unauthorised construction of temple on public land. This was so as the matter was stated to be resting with the Collector and we had only directed the Collector to bestow consideration within a stipulated time period of two (2) months.

2.Since there was still no decision by the Collector, contempt proceedings were filed. Further two (2) months period was sought and granted for the Collector to do the needful and once again nothing happened and thus, the current sub-application is filed by the petitioner.

3.The affidavit has been finally filed by the Collector now. What emerges is that the temple is situated in the land classified as Ryotwari Manai (private land) and registered in the name of City Improvement Trust. On field inspection, the Tahsildar has opined that 56 sq.ft. of the land in front of the house of the petitioner is occupied though not belonging to the petitioner. The temple has been in existence for 60 years and when the original allotment was made to Tmt.Govindammal, the temple was in existence and she in turn sold it to

the current petitioner.

4.The aforesaid facts clearly show that not only when the petitioner bought the property, but even earlier when the predecessor was allotted the land, the temple was in existence much prior to that and that too on private land. The petitioner has, thus, inappropriately used the methodology of making a representation and then filing a public interest litigation to rake up the issue of the existence of the temple. Our only regret is that the correct facts ought to have been placed before us at the inception itself, but not so placed by the respondents.

5.Sub-Application stands dismissed.

[CJ] [M M S J]

28/03/2016

SRA