

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.29683 of 2016

Shirdi Sri Anandha Sai Charitable Trust
rep.by its Secretary Mr.A.Shanmugaraj
No.51/5, Mariappa Layout
Thillai Nagar, Udumalpet
Tiruppur District 642 126 ... Petitioner

-vs-

1. The State rep.by the Secretary
Department of Municipal Administration &
Water Supply
Fort St.George
Chennai 600 009
2. The District Collector
Office of the Collectorate
Tiruppur
Tiruppur District
3. The Chairman
Udumalpet Municipality
Udumalpet
Tiruppur District
4. The Commissioner
Udumalpet Municipality
Udumalpet
Tiruppur District
5. The Revenue Divisional Officer
Udumalpet
Tiruppur District
6. The Tahsildar
Udumalpet Taluk
Udumalpet
Tiruppur District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the fourth respondent or anybody on their behalf from initiating any coercive action of demolishing Shirdi Sai Baba Temple situated at Ward No.30, Survey Ward E, Block No.14, T.S.No.1, Mariappa Layout, Thillai Nagar, Udumalpet, Tiruppur District pending determination of the Memorandum of Request dated 09.08.2016 submitted by the petitioner Trust before the third respondent seeking assignment of the land to and in favour of the Temple or the Trust on payment of compensation or any other conditions imposed by the Municipal Council, Udumalpet.

For Petitioner :: Mr.Thiageswaran for
M/s Waraon and Sai Rams

For Respondents:: Mrs.A.Srijayanthi
Special Government Pleader

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

The petitioner seeks for issuance of a writ of mandamus, forbearing the fourth respondent or anybody on their behalf from initiating any coercive action of demolishing Shirdi Sai Baba Temple situated at Ward No.30, Survey Ward E, Block No.14, T.S.No.1, Mariappa Layout, Thillai Nagar, Udumalpet, Tiruppur District, pending determination of the Memorandum of Request dated 09.08.2016 submitted by the petitioner Trust before the third respondent seeking assignment of the land to and in favour of the Temple or the Trust on payment of compensation or any other conditions imposed by the Municipal Council, Udumalpet.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader taking notice on behalf of the respondents.

3. It appears that the petitioner Trust has constructed the Shirdhi Sai Baba Temple at Mariappa Layout, Thillai Nagar, Udumalpet and there are several other temples already in existence in that place. According to the petitioner, apart from maintaining and administering the temple, it is also doing various charitable services to the needy with the contributions received from the devotees and the general public. The grievance of the petitioner is that in respect of the construction of the temple, the fourth respondent has issued a notice on 28.7.2016 to remove the temple, for which the petitioner is said to have submitted a reply. It is also the stand of the petitioner that in similar circumstances, the requests of some other persons had been considered and their cases had been recommended to the Government for assignment. But

the petitioner cannot be isolated and accordingly, the learned counsel sought to contend that the case of the petitioner may be also considered by the respondents for running the temple, etc.

4. It is for the respondents to consider the representation as well as the reply furnished by the petitioner in pursuance of the notice issued and to take a decision in accordance with law within a period of two months from the date of receipt of a copy of this order. If need be, the petitioner may be also given an opportunity of hearing before passing any orders. Till then, no coercive steps shall be taken by the respondents. With this observation, the writ petition stands disposed of. Consequently, W.M.P.No.25692 of 2016 is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ss

To

1. The Secretary to Government
Department of Municipal Administration &
Water Supply
Fort St.George
Chennai 600 009
2. The District Collector
Office of the Collectorate
Tiruppur
Tiruppur District
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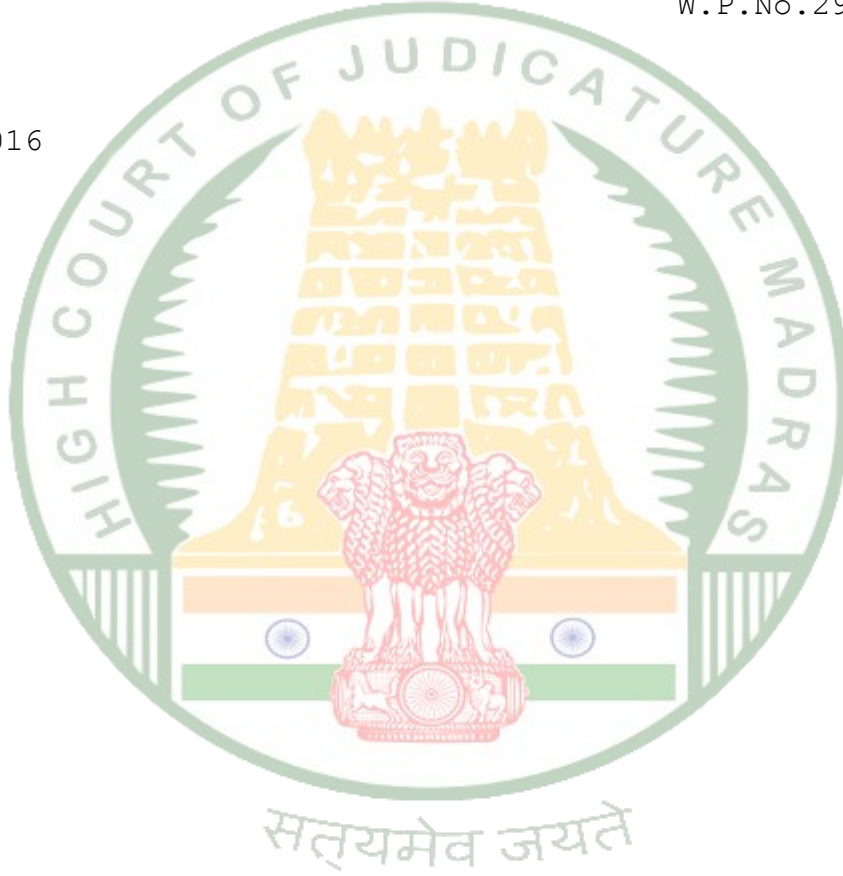
5. The Revenue Divisional Officer
Udumalpet
Tiruppur District

6. The Tahsildar
Udumalpet Taluk
Udumalpet
Tiruppur District

+1 cc to M/s.Waraon & Sairam Advocate sr 48384

W.P.No.29683 of 2016

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