

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.34281 of 2016

A.Radhakrishnan .. Petitioner -in person

Vs

1. The Additional Chief Secretary to Government  
Commissioner of Land Administration,  
Department of Land Administration,  
Chepauk, Chennai 600 005.

2.The District Collector,  
Salem District, Salem 636001.

3.The Tahsildar,  
Salem Taluk, Salem 636 001.

4.The Joint Commissioner,  
Hindu Religious and Charitable Endowment,  
Salem 636 001.

5.The Assistant Commissioner,  
Hindu Religious and Charitable Endowment,  
Salem 636 001.

6.The Commissioner of Police  
Salem 636 006

7.The Assistant Director,  
(Town Panchayat)  
Salem 636001.

8.The Member Secretary,  
Local Planning Authority  
Salem 636001.

9.The Executive Officer  
Karuppur Panchayat  
Karuppur,  
Salem District.

10.Dr.K.B.Vidyasagar

11.Ramamurthy

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents Nos.2 and 3 to demolish the building of Rajam Thirumanamandapam and other buildings situated at Karuppur, Salem District and to remove the encroachment made by the respondents 10 and 11 and further directing the 6<sup>th</sup> respondent to give proper police protection for demolishing the building and for evicting the illegal encroachment from the property owned by respondent Temple.

For Petitioner : Mr.A.Radhakrishnan  
Party - in - person

For Respondents : Mr.M.K.Subramanian  
Government Pleader  
for respondents Nos. 1 to 3,  
6, 7 and 8

Mr.M.Maharajan  
Spl. Govt. Pleader for HR&CE  
for R.4 and R.5  
Mr.R.Vijayakumar  
AGP for R.9.

ORDER

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

On hearing the learned counsel for the parties including the private respondent, what emerges is that while the private respondent obtained permission for construction from the Town Panchayat, in view of the extent of the construction involved, planning permission was also required from the local planning authority, which is not subsisting. The authorities concerned are already taking action and it is for the petitioner to take recourse to his legal remedies.

2. There is also an issue addressed qua the pattas issued to the petitioner, for which the authorities have written to the

Assistant Commissioner, Hindu Religious and Charitable Endowment Board, Salem on the premise whether pattas have been wrongfully issued, which are required to be cancelled. Naturally the stand of the private respondent is that the pattas have been validly issued.

3. We are not inclined to further delve into the controversy, as the authorities have taken action and it is for the private respondent to defend the same in accordance with law.

4. The writ petition accordingly stands closed, leaving the parties to bear their own costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government Commissioner of Land Administration, Department of Land Administration, Chepauk, Chennai 600 005.
2. The District Collector, Salem District, Salem 636001.
3. The Tahsildar, Salem Taluk, Salem 636 001.
4. The Joint Commissioner, Hindu Religious and Charitable Endowment, Salem 636 001.
5. The Assistant Commissioner, Hindu Religious and Charitable Endowment, Salem 636 001.
6. The Commissioner of Police, Salem 636 006
7. The Assistant Director (Town Panchayat), Salem 636001.
8. The Member Secretary, Local Planning Authority, Salem 636001.

9.The Executive Officer, Karuppur Panchayat  
Karuppur,Salem District.

+1cc to Mr.A. Radhakrishnan, Advocate, S.R.No.61862  
+1cc to the Government Pleader, S.R.No.61921  
+1cc to Mr. C.V. Shailandran, Advocate Sr.No.62545 (08/12/2016)

scd (CO)  
md (11/11/2016)

W.P.No.34281 of 2016



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