

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5784 of 2016

Mr.R.Murugan

.. Petitioner

Vs.

1. The District Collector, Villupuram District.

2. The Thasildhar,
Villupuram, Villupuram District-605 602.

3. The President,
Kaanai Village, Kaanai Post,
Villupuram Taluk and District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to consider the representation, dated 29.01.2016 regarding to proceed with the construction of Vinayagar Temple at Veterinary Hospital Lane, Kaanai Village, Villupuram District.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.
for RR-1 & 2
Mr.P.Chinnadurai, Govt. Advocate for
R-3

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the second respondent to consider the representation, dated 29.01.2016 to proceed with the construction of Vinayagar Temple at Veterinary Hospital Lane, Kaanai Village, Villupuram District.

2. It is the case of the petitioner that he was born and brought up in Kaanai Village, Kaanai Post, Villupuram District. In the said village, in Veterinary Hospital Lane, a 50-year old Vinayagar Temple was located and the petitioner is the Dharmakartha of the said Temple. In the interest of devotees, the petitioner's family members involved in many spiritual

activities like cleaning, maintaining the premises, making arrangements for the devotees' visit and giving Prasadams and also maintaining the Temple management. Since the Temple is in dilapidated condition, the petitioner, along with his village members, decided to demolish the Temple and planned to construct a Temple in 10 * 10* = 100 Sq.Ft. area in the same place. After the demolition, followed by construction work, which is going on, one Ayyanar @ John, who is the resident of the same village and who is administering the CSI Church, which is located just in front of the Vinayagar Temple, objected for the construction of the Temple. The second respondent conducted Peace Committee meeting in the Village, in which various resolutions were passed based upon consideration of both parties and Resolution No.3 states that from 23.02.2013, till the Highways Department removes the encroachment unanimously in the place of Vinayagar Temple, the construction work shall not be proceeded without permission of the second respondent. Subsequently, the petitioner has made a representation, dated 29.01.2016 to proceed with the construction of Vinayagar Temple. Since the said representation is pending, the petitioner has filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents 1 and 2 and Mr.P.Chinnadurai, learned Government Advocate who took notice for the third respondent.

4. Considering the limited scope of the prayer made in this Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the second respondent to consider the said representation of the petitioner, dated 29.01.2016 and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.
cs

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

Copy to

1. The District Collector, Villupuram District.

2. The Thasildhar,

Villupuram, Villupuram District-605 602.

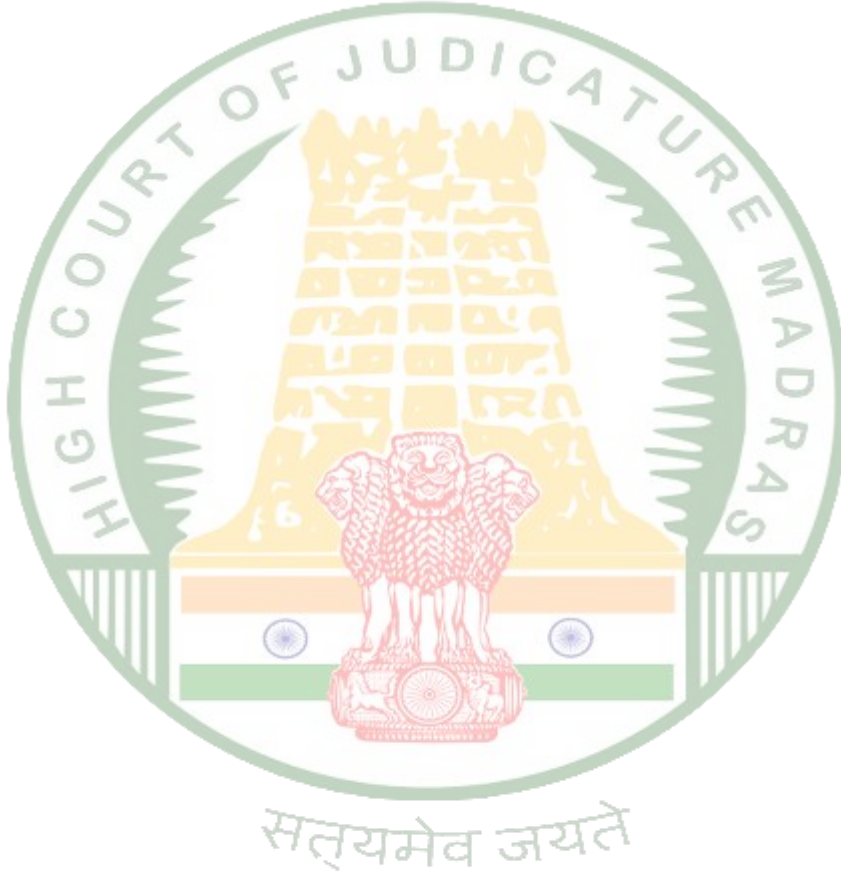
3. The President,
Kaanai Village, Kaanai Post,
Villupuram Taluk and District.

+ 1 cc to Mr.S.Silambuselvam, Advocate, SR 10258

+ 1 cc to Government Pleader, High Court, Madras SR10222

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