

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.1.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.781 of 2016
& WMP.No.591 of 2016

Annai Saraswathi AE Block
Kudiyiruppu Samathuva
Makkal Nala Sangam, rep.by
its President Mr.K.Nallathambi

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Triplicane,
Chennai-5.

2. The Assistant Engineer,
Corporation of Chennai,
Sholinganallur, Chennai.

... Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus forbearing the
first respondent from in any way removing or taking any coercive
action for damaging Sri Muthumariamman Temple situated at
S.No.544, in the middle of D, E and F Block, Ezhil Nagar,
Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District.

For Petitioner : Mr.N.Umapathi

For Respondent-1 : Mr.R.Rajeswaran,
Special Government Pleader

ORDER

Mr.R.Rajeswaran, learned Special Government Pleader takes
notice for the first respondent. Heard the learned counsel for
the petitioner. By consent, the writ petition itself is taken up
for final disposal without ordering notice to the second
respondent.

2. The petitioner is stated to be a welfare association representing the residents of a project developed by the Tamil Nadu Slum Clearance Board. The petitioner seeks a direction to forbear the the first respondent from removing the deity of the temple.

3. From the photographs, it is seen that in a common area, the deity has been installed and it appears to be of a very recent origin. In view of the orders passed by the Honourable Supreme Court that such temples or places of worship in common areas or road margins cannot be permitted, no direction as sought for can be granted.

4. Therefore, while rejecting the prayer sought, liberty is given to the petitioner to pursue their representation dated 17.8.2015 before the first respondent and it shall be considered on merits and in accordance with law.

5. The writ petition is disposed of with the above direction. No costs. Consequently, the above WMP is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

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Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Triplicane,
Chennai-5.

2. The Assistant Engineer,
Corporation of Chennai,
Sholinganallur, Chennai.

GJ(CO)
CA(02/02/2016)

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