

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.31873/2017 & WMP.No.35023/2017

Dr.T.G.Manickam

.. Petitioner

Versus

- 1.The Commissioner
Chennai Corporation
Rippon Buildings
Chennai 600 003.
- 2.The Zonal officer
10th Zone, No.117, Old No.64
NSK Road, Kodambakkam
Chennai 600 024.
- 3.The Assistant Engineer
10th Zone, No.117, Old No.64
NSK Road, Kodambakkam
Chennai 600 024.
- 4.The Commissioner
Hindu Religious & Charitable Endowment
Board, Nungambakkam, Chennai 600 034.
- 5.Arulmighu Sri Nagavalli Amman Aalayam
rep.by Trustee Mr.Sambantham
Muthuvel Naicken Street, Kodambakkam,
Chennai 600 024.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 6th respondent namely Arulmigu Shri Nagavalli Amman Aalayam situated at Muthuvel Naicken Street, Kodambakkam, Chennai 600 024, from putting up any pillar in both side of Muthuvel Naicken Street, based on the petitioner's representation dated 22.11.2017 consequently direct the 1 to 3rd respondents to ensure the street for public usage without any obstacles by any other person in order to frequent access to the public and local residents.

For Petitioner : Mr.M.Rajendiran
For R1 to R3 : Mr.A.Nagarajan
For R4 : Mr.M.Maharaja, Spl.GP [HR&CE]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing counsel accepts notice on behalf of the respondents 1 to 3 and Mr.M.Maharaja, learned Special Government Pleader [HR&CE] accepts notice on behalf of the 4th respondent and he would submit that the Hindu Religious and Charitable Endowment Department is nothing to do with the said temple as on date and it is a private temple and as such, the 4th respondent is not a necessary party in this writ petition.

2 The petitioner, in the affidavit filed in support of this writ petition would aver among other things that he is a retired Professor of Stanley Medical College and also served in ENT Department. The petitioner would further aver that there is a small temple, viz., A/M Nagavalli Amman Temple, situate at Muthuvel Naicken Street, Kodambakkam, Chennai 600 024, and the 5th respondent is claiming to be the Trustee of the said temple and used to organize festivals. The 5th respondent has circulated pamphlets / notices stating that they want to erect a structure on 24.11.2017 in the form of permanent roof and the petitioner and other residents had objected to the same and therefore, it has not been proceeded with. The petitioner expresses apprehension that since the 5th respondent is highly influential, he is making frequent attempts to put up an arch on the public street without getting any permission or authorisation whatsoever from the Corporation of Chennai and in this regard, the petitioner had given a representation dated 22.11.2017 to the respondents 1 to 3 and in spite of receipt and acknowledgment, so far no orders have been passed and hence, came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the photographs annexed to the typed set of documents in pages No.14 and 15 and would submit that the temple is located on the edge of the street and on both side of the street, pillars are set to be erected for the purpose of putting up an Arch and since it is a public street, the 5th respondent cannot be allowed to do so.

4 Per contra, Mr.A.Nagarajan, learned Standing Counsel appearing for the respondents 1 to 3 would submit that after due

verification, if any infraction is noted, appropriate action will be taken in accordance with law.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to put the petitioner as well as the 5th respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 22.11.2017 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent herein.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner
Chennai Corporation
Rippon Buildings
Chennai 600 003.

2.The Zonal officer
10th Zone, No.117, Old No.64
NSK Road, Kodambakkam
Chennai 600 024.

3.The Assistant Engineer
10th Zone, No.117, Old No.64
NSK Road, Kodambakkam
Chennai 600 024.

4.The Commissioner

Hindu Religious & Charitable Endowment
Board, Nungambakkam, Chennai 600 034.

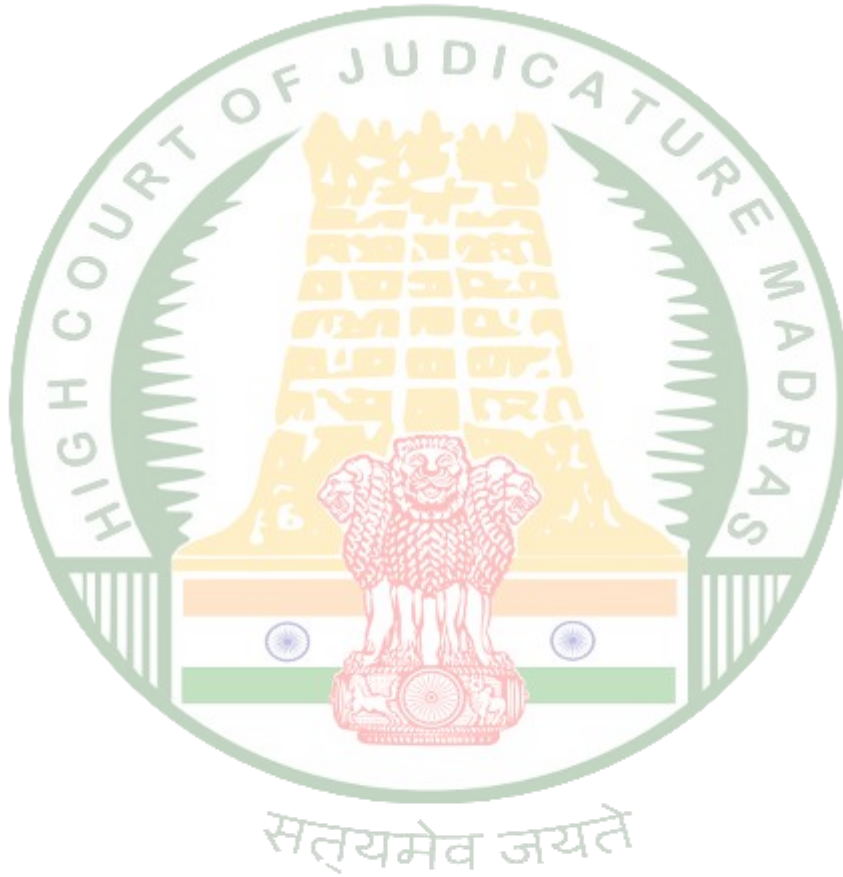
+3cc to Mr.M.Rajendiran, Advocate, S.R.No.87317,87318

+1cc to Mr.A.Nagaraju, Advocate, S.R.No.87569

+1cc to the Government Pleader, S.R.No.88360

WP.No.31873/2017

RRK (21/12/2017)



WEB COPY