

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2017

CORAM

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

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.3470 of 2017

T.Murugasen ... Petitioner
Vs.

1. The Government of Tamil Nadu
rep. by its Secretary to Government
Highways Department, Fort St. George.
Chennai 600 009.
2. The Commissioner
Hindu Religious & Charitable Endowment
Administration Department
Nungambakkam
Chennai 600 034.
3. The District Collector
Salem District
Salem 636 001.
4. The Superintendent of Police
Salem District.
5. The Revenue Divisional Officer
Attur Taluk, Salem District.
6. The Deputy Superintendent of Police
Attur Taluk, Salem District.
7. The Assistant Commissioner
Hindu Religious & Charitable Endowment
Salem.
8. The Commissioner
Attur Municipality
Attur Taluk & Post
Salem District.

9. The Assistant Divisional Engineer
Attur Taluk & Post, Salem District.

10. The Tahsildar
Attur Taluk, Salem District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus forbearing the respondents from shifting the Selva Vinayahar temple's God statue to Vellai Vinayahar Temple situated in old bus stand western side until the 3rd respondent the District Collector, Salem to allotting alternative site in Ranipettai, Attur Taluk, Salem District as per order of this Court in W.P.No.28285 of 2013, dated 7.7.2014 until finishing performance of the Kumbabishegam and further or other suitable orders as this Court.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1, 3 to 6, 8
to 10
Mr.M.Maharaja
Spl. Government Pleader
for respondents 2 and 7

ORDER

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

We do not appreciate the endeavour of the petitioner of filing this writ petition, the same counsel having withdrawn a petition before the learned Single Judge which is almost verbatim the same except that in the other petition the trust was the petitioner, while in the present case the priest of the temple is the petitioner.

2. The earlier petition was withdrawn unconditionally and thus there is no question of entertaining the present petition.

3. We also fail to appreciate the concern of the petitioner in view of the observation made in paragraph (5) of the order dated 7.7.2014 made in W.P.No.28285 of 2013, which reads as under:

"5. In view of the above, we deem it fit to direct the second respondent to take appropriate steps in the manner known to law insofar as finding an alternative site. Till such time, the fifth respondent is permitted to have the temple in the very same place. The second respondent is also directed to take appropriate steps on the request of

the fifth respondent within a period of twelve weeks from the date of receipt of a copy of this order.”
(emphasis supplied)

4. Thus, the petitioner is protected till such time as the alternative site is made available by the second respondent/Commissioner, HR & CE Department.

5. The learned Special Government Pleader appearing for the HR & CE Department however states that the allotment would have to be made by the tenth respondent/Tahsildar and the eighth respondent/Commissioner, Attur Municipality.

6. This is a matter the HR & CE Department should take up with the Tahsildar and the Commissioner, Attur Municipality, as it is an issue between the two government departments.

The writ petition is dismissed with the aforesaid observations. No costs. Consequently, W.M.P.No.3452 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

1. The Secretary to Government
Government of Tamil Nadu
Highways Department, Fort St. George.
Chennai 600 009.
2. The Commissioner
Hindu Religious & Charitable Endowment
Administration Department
Nungambakkam
Chennai 600 034.
3. The District Collector
Salem District
Salem 636 001.
4. The Superintendent of Police
Salem District.
5. The Revenue Divisional Officer
Attur Taluk, Salem District.
6. The Deputy Superintendent of Police
Attur Taluk, Salem District.

7. The Assistant Commissioner
Hindu Religious & Charitable Endowment
Salem.

8. The Commissioner
Attur Municipality
Attur Taluk & Post
Salem District.

9. The Assistant Divisional Engineer
Attur Taluk & Post, Salem District.

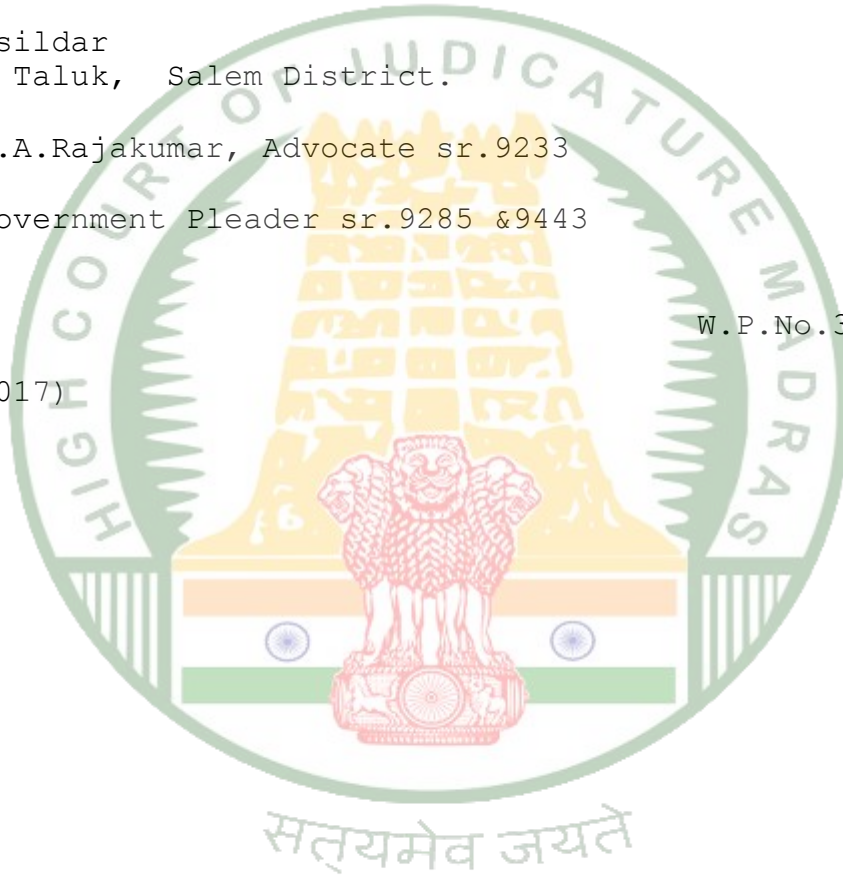
10. The Tahsildar
Attur Taluk, Salem District.

+1cc to Mr.A.Rajakumar, Advocate sr.9233

+2ccs to Government Pleader sr.9285 &9443

ss1(co)
ss(14/02/2017)

W.P.No.3470 of 2017



WEB COPY