

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.26219 OF 2009

ORDER:

This Writ Petition is filed questioning the failure of the respondents to stop construction of the Ramalayam Temple, which was occupying the sadak road of A. Vemavarappadu, as arbitrary and illegal. A consequential direction is sought to the respondents to enquire into the matter and stop construction.

The compliant in the Writ Petition is that certain miscreants were seeking to construct a Ramalayam Temple, occupying the road of an extent of nearly 5 feet out of 10 feet, without the permission of Gram Panchayat, causing inconvenience to the villagers. The petitioner claims to have sent a notice to the Gram Panchayat to stop such construction. On the ground that the respondents had failed to act, or to stop construction, the jurisdiction of this Court was invoked. This Court passed an interim order on 02.12.2009 restraining construction of the temple to the extent it occupied the road of Vemavarappadu Gram Panchayat. The said interim order continues to remain in force ever since. As the relief sought for in the Writ Petition is to restrain construction of a temple occupying a part of the road, and as construction of any structure on a road is impermissible, ends of justice would be met if the respondent-Gram Panchayat is directed to ascertain whether construction, if any raised before the interim order was passed, has resulted in a part of the road being occupied; and, if so, to take necessary steps, to remove such encroachments on the road, in accordance with law.

With the aforesaid directions, the Writ Petition stands disposed of. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 06.10.2017

MRKR

