

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9007/2018 & WMP.Nos.10858 & 10859/2018

1.E.Jai Ganesh

2.V.S.Rajasekaran

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Petitioners

Versus

1.The Commissioner

Corporation of Chennai

Rippon Building, Chennai 600 003.

2.The Area Engineer

Zone No.9, Division No.114

Chepauk, Chennai 600 005.

3.The Secretary

Temple Administration

Arulmigu Sri Gangai Amman Temple

No.21, Lal Mohammed Street

Chepauk, Chennai 600 005.

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Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to remove the encroachment on the public street namely Lal Mohammed Street, Chepauk, Chennai-600 005 more particularly, which is causing the hindrance to ingress and egress to the petitioners property as stated in the representation to the respondents 1 and 2 forthwith.

For Petitioners : Mr.V.Manohar
For R1 & R2 : Mr.K.Soundararajan

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.K.Soundararajan, learned Standing counsel accepts notice on behalf of the respondents 1 and 2.

2 The petitioners claim to be the residents of Door Nos.26/19 and 28/18 of Lal Mohammed Street, Chepauk, Chennai-5 respectively and according to them, the street is having the width of 11 feet and 25 to 30 houses are located and the said street is a dead end street. The grievance expressed by the petitioners is that the right on the middle of the road, a small temple came into being and it is sought to be expanded by blocking the entire width of the road and in this regard, the petitioners submitted a representation dated 04.04.2018 to the respondents 1 and 2 for the reason that the constructions are going on to expand the said temple and despite receipt and acknowledgment, no action has been taken and hence, the petitioners came forward to file the present writ petition.

3 The learned counsel for the petitioner has invited the

attention of this Court to the photographs filed in typed set of documents and would submit that since the small temple is sought to be expanded by blocking the entire width of the road, the petitioners and other residents had expressed the grievance to the concerned officials of the Corporation of Chennai and despite that, no action has been taken to abate the said nuisance and therefore, the present writ petition came to be filed.

4 The Court heard the submissions of Mr.K.Soundararajan, learned standing counsel appearing for the respondents 1 and 2 and perused the materials placed before it.

5 Though the petitioners had 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 petitioners as well as the 3rd respondent on notice and cause an inspection of the alleged on going construction / expansion of the temple in Lal Mohammed Street, Chepauk, Chennai-5, within a period of two weeks from the date of entertainment of the appeal/special revision and depending upon the result of the same, shall take appropriate action in accordance with la within a period of eight weeks thereafter and

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AP

communicate the decision taken, to the petitioners as well as to the 3rd respondent herein.

6 The writ petition stands disposed of with the above direction.
 No costs. Consequently, connected miscellaneous petitions are closed.

[MSNJ] [PRMJ]
 13.04.2018

Internet : Yes

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To

- 1.The Commissioner
 Corporation of Chennai
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- 2.The Area Engineer
 Zone No.9, Division No.114
 Chepauk, Chennai 600 005.
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