

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.7076 of 2018 and WMP.No.8770 and 8771 of 2018

Mr.P.M.Subramani .. Petitioner
Versus

1. The Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building,
Chennai 600 030.

2. The Zonal Officer,
Zone-8,
Greater Chennai Corporation,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

3. The Commissioner of Police,
Greater Chennai City Police,
No.132, E.V.K.Sampath Salai,
Vepery, Chennai 600 007.

4. The Thasildar,
Aminjikarai Taluk,
Aminjikarai,
Chennai 600 030.

5. Balasubramanya Swamy Temple,
8th Cross Street, Shenoy Nagar,
Chennai 600 030

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 and 2 to forthwith take appropriate legal action against the 5th respondent to get back possession of the part of Corporation land in O.S.No.39 (Part) & 40/5, T.S.No.1, Block No.15, Periyakudal Village, Aminjikarai Taluk, encroached upon for the 5th respondent temple and consequently direct the 3rd respondent to afford adequate police protection

to the 1st and 2nd respondents and its officials in getting back possession of the said Corporation Lands.

For Petitioner : Mr.P.Jeevanandam

For Respondents: Mr.V.C.Selvasekaran for R1 & R2
Mr.A.N.Thambidurai for R3 & R4

ORDER

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

By consent, the writ petition is taken up for final disposal.

2. Mr.V.C.Selvasekaran, learned standing counsel accepts notice on behalf of respondents 1 and 2 and Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice for 3rd and 4th respondents.

3. The present writ petition filed as a Public Interest Litigation and according to the petitioner, Shenoy Nagar Township Scheme lay out was formed during the year 1950, after acquisition of the land under Land Acquisition Central Act, 1894. It is a case of the petitioner, a piece of land admeasuring to an extent of 1000 Sq.ft. in O.S.No.39 (Part) and 40/5 (Part), TS.No.1, Block No.15, Periyakudal Village, Aminjikarai Taluk was encroached upon by some influential local persons and they have initially put up a small temple facing 8th cross street, Shenoy Nagar, Chennai 600 030 and now steps are being taken to construct a full fledged temple. The petitioner in this regard has submitted a representation dated 03.11.2017 to the 2nd respondent and followed by a reminder representation dated 15.11.2017 and despite receipt and acknowledgment, no action has been taken so far and therefore, the petitioner came forward to file this writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and Mr.V.C.Selvasekaran, learned standing counsel appearing for the respondents 1 and 2 and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 4 and 5.

5. Though the petitioner 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 cause inspection of Block No.15 , 8th cross street, Periyakudal Village in Aminjikarai Taluk after putting the concerned persons said to be in possession as well as the 5th respondent, on notice within a

period of three weeks from the date of receipt of copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to the 5th respondent and to the person/s concerned.

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

Sd/--

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rka/sk

To

- 1.The Commissioner,
The Greater Chennai Corporation,
Ripon Building,
Chennai 600 030.
2. The Zonal Officer,
Zone-8, Greater Chennai Corporation,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
3. The Commissioner of Police,
Greater Chennai City Police,
No.132, E.V.K.Sampath Salai,
Vepery, Chennai 600 007.
4. The Thasildar,
Aminjikarai Taluk,
Aminjikarai, Chennai 600 030.

Copy to:1.The Registrar General
High Court, Madras
2.The Registrar (Judicial)
High Court, Madras
3.The Joint Registrar
High Court, Madras

+1cc to Mr.P.Jeevanandam, Advocate SR.No.25066

+1cc to Government Pleader Sr.No.25664

RJ(CO)

sm:19.4.2018

WP.No.7076/2018