

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2018

CORAM

The HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND

The HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.Nos.5049 and 18651 of 2017 and 12486 and 15483 of 2018

W.P.No.5049 of 2017:

C.Kumaran

S/o. Chakkarapani, Chennai District Secretary  
Thanthai Periyar Dravidar Kalagam  
No.63 Saivamuthaiah 5th Street  
Royapettah, Chennai - 600 014.

... Petitioner

Vs.

1 The Chief Secretary  
State of Tamil Nadu  
Secretariat, Chennai - 600 009.

2 The Home Secretary  
State of Tamil Nadu  
Secretariat, Chennai - 600 009.

...Respondents

W.P.No.18651 of 2017:

S.Doraisamy, Advocate  
No.223, N.S.C.Bose Road,  
Y.M.C.A.Building, 2nd Floor  
Chennai-01.

.. Petitioner

Vs.

1 The Commissioner  
Chennai Corporation  
Ripon Building  
Chennai-03.

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- 2 State of TamilNadu  
rep by Chief Secretary  
Secretariat  
Chennai-09.
- 3 The Member Secretary  
Tamil Nadu Coastal Zone Management Authority  
Department of Environment & Forests  
1st Floor, Panagal Building, Saidapet  
Chennai-15.
- 4 Ministry of Environment, Forest and  
Climate Change, Government of India  
3rd Floor Prithvi Wing Indira Parvayaran Bhawan  
Jor Bagh, New Delhi-110 003  
rep by Joint Secretary.
- 5 The Director of Town and Country Planning  
Chengalvarayan Building  
4th Floor, 807 Anna Salai  
Chennai-02.
- 6 The Member Secretary  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Building No.1 Gandhi  
Irwin Road Egmore Chennai-08.
- 7 State of Tamil Nadu, rep. by  
Principal Secretary to Government  
Tamil Development & Information Department  
Secretariat Chennai-09. .. Respondents

W.P.No.12486 of 2018:

S.Jeyaseelan  
Advocate,  
75, Law Chambers,  
High Court Buildings Chennai - 104. .. Petitioner

WEB COPY  
Vs.

- 1 State of Tamil Nadu  
rep. by its Principal Secretary to Government  
Tamil Development & Information Department  
Secretariat, Chennai - 9.

- 2 The Commissioner  
Chennai Corporation  
Ripon Building  
Chennai - 3.
- 3 The Director of Town and Country Planning  
Chengalvarayan Building  
4th Floor, 807, Anna Salai Chennai - 2.
- 4 The Member Secretary  
Chennai Metropolitan Development Authority  
Talamuthu Natarajan Building No.1  
Gandhi Irwin Road, Egmore, Chennai - 8.
- 5 The Superintending Engineer  
Public Works Department Building (C&M) Circle  
Chepauk, Chennai - 5.
- 6 The Member Secretary  
Tamil Nadu Coastal Zone Management Authority  
Department of Environment & Forests  
1st Floor, Panagal Building, Saidapet  
Chennai - 15.
- 7 Ministry of Environment, Forest and Climate Change  
Government of India  
3rd Floor, Prithvi Wing, Indira Parvayaran Bhawan  
Jor Bagh, New Delhi - 110 003  
Rep. Joint Secretary. .. Respondents

W.P.No.15483 of 2018:  
S.Doraisamy, Advocate  
No.223 N.S.C.Bose Road  
Y.M.C.A. Building 2nd Floor  
Chennai-600 001. .. Petitioner

Vs.

- 1 The Member Secretary  
Tamil Nadu State Coastal Zone Management  
Authority & Director of Environment  
1st Floor Panagal Building Saidapet  
Chennai - 600 015.

- 2 Ministry of Environment Forest & Climate Change  
Government of India, 3rd Floor  
Prithvi Wing Indira Parvayaran Bhawan  
Jor Bagh New Delhi-110 003,  
Rep. by its Joint Secretary.
- 3 Public Works Department  
Rep. by its Executive Engineer Building  
Construction Division-I Chepauk  
Chennai-600 005.
- 4 The Commissioner  
Greater Chennai Corporation Ripon Building  
Chennai-600 003.
- 5 The Member Secretary  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Building No.1  
Gandhi Irwin Road, Egmore Chennai-600 008.
- 6 The District Environmental Engineer / Convener  
DCZMA for CMDA areas  
Tamil Nadu Pollution Control Board No.950/1  
P.H.Road Arumbakkam Chennai-600 106.
- 7 State of Tamil Nadu  
Rep. by its Principal Secretary to Government  
Tamil Development & Information Department  
Secretariat Chennai-600 009. ... Respondents

PRAYER in W.P.No.5049 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus forbearing the respondents from raising any memorial for Selvi J.Jayalalitha on the Government Exchequer at the Marina Beach or elsewhere and direct the respondents to remove the portraits from the public places. सत्यमेव जयते

PRAYER in W.P.No.18651 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 1st respondent to remove the dead body of J.Jayalalitha from the Chennai Marina Beach situated behind the memorial of M.G.Ramachandran and bury the dead body anywhere else other than the coastal area and directing the other respondents not to raise any construction in the name of a memorial to J.Jayalalitha in the above place.

PRAYER in W.P.No.12486 of 2018: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 2nd respondent to remove the mortal remains of

J.Jayalalitha from the Chennai Marina Beach situated behind the memorial of M.G.Ramachandran and bury the same other than the coastal area and directing the other respondents not to raise any construction in the name of a memorial to J.Jayalaitha in the above place.

PRAYER in W.P.No.15483 of 2018: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records relating to the order passed in Proceedings No.P1/618/2018 dated 16.03.2018 on the file of the 1st respondent quash the same and direct the respondents not to raise any construction in the name of a memorial to J.Jayalaitha at Sy.No.3372, Kamarajar Salai, Chepauk, Chennai.

For Petitioners in : Mr.S.Doraisamy  
W.P.Nos.5049 of 2017  
and 12486 of 2018

For Petitioner in : Mr.V.Elangovan  
W.P.Nos.18651 of 2017  
and 15483 of 2018

For Respondents : Mr.T.N.Rajagopalan  
Government Pleader  
for respondents 1 and 2  
in W.P.No.5049 of 2017;  
for respondents 2, 5 and 7  
in W.P.No.18651 of 2017;  
for respondents 1, 3, 5 and  
6  
in W.P.No.12486 of 2018;  
for respondents , 3 and 7  
in W.P.No.15483 of 2018

Mr.K.Soundarajan  
for 1st respondent  
in W.P.No.18651 of 2017  
for 2nd respondent  
in W.P.No.12486 of 2018  
for 4th respondent  
in W.P.No.15483 of 2018

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Mr.M.Thiruvengadam  
for 6th respondent in  
W.P.No.18651 of 2017;  
for 4th respondent  
in W.P.No.12486 of 2018

ORDER

(Order of the court was made by the Acting Chief Justice)

Mr.Doraisamy, learned counsel appearing for the petitioners in W.P.Nos.5049 of 2017 and 12486 of 2018, filed a memo dated 7.8.2018 seeking permission to withdraw the said writ petitions. In the said memo, it is stated thus:

"In view of the fact that the Anna Samadhi area falls within the Coovam river bed area and in view of the fact that in the counter affidavit filed by the Government that the Anna Square area falls within CRZ II Zone not prohibited area and in view of the fact that the Anna Square area is recognized as burial ground area the petitioner submits that he is withdrawing the above cases and the same may be dismissed as withdrawn."

2. Mr.V.Elangovan, learned counsel appearing for the petitioners in W.P.Nos.18651 of 2017 and 15483 of 2018, also sought permission of this Court to withdraw the said writ petitions and has made an endorsement to that effect.

In view of the above, these writ petitions are dismissed as withdrawn. No costs. Consequently, W.M.P.Nos.5339, 20188 of 2017, 3234, 4306, 4307, 14629, 18360, 18361, 18362 of 2018 are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary,  
State of Tamil Nadu,  
Secretariat, Chennai.-600 009

2. The Home Secretary,  
State of TamilNadu,  
Secretariat, Chennai-600 009
3. The Commissioner  
Greater Chennai Corporation Ripon Building  
Chennai-600 003.
- 4 The Member Secretary  
Tamil Nadu State Coastal Zone Management  
Authority & Director of Environment  
1st Floor Panagal Building Saidapet  
Chennai - 600 015.
5. Ministry of Environment Forest & Climate Change  
Government of India, 3rd Floor  
Prithvi Wing Indira Parvayaran Bhawan  
Jor Bagh New Delhi-110 003,  
Rep. by its Joint Secretary.
- 6 The District Environmental Engineer / Convener  
DCZMA for CMDA areas  
Tamil Nadu Pollution Control Board No.950/1  
P.H.Road Arumbakkam Chennai-600 106.
7. The Member Secretary  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Building No.1  
Gandhi Irwin Road, Egmore Chennai-600 008.
8. State of Tamil Nadu  
Rep. by its Principal Secretary to Government  
Tamil Development & Information Department  
Secretariat Chennai-600 009.
9. The Director of Town and Country Planning,  
Chengalvarayan Building, 4th floor 807,  
Anna Salai, Chennai.02
10. Public Works Department  
Rep. by its Executive Engineer Building  
Construction Division-I Chepauk  
Chennai-600 005.
11. The Superintending Engineer,  
Public works Refertment building (C & M) circle  
Chepauk, Chennai-600 005

+2cc to Mr.S.Doraisamy, Advocate, S.R.No.54725 & 54724

+2cc to Mr.V.Elangovan, Advocate, S.R.No.54726 & 54727

+1cc to Mr.Sunita Kumari, Advocate, S.R.No.54604

+1cc to the Government Pleader, S.R.No.54532

W.P.Nos.5049 and 18651 of 2017 and  
12486 and 15483 of 2018

SKV (CO)  
GSP (21/08/2018)



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