

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2018

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W..P.No.17059 of 2008

and

W.M.P.No.1 of 2008

A/m. Maari Chinnamman Thirukoil
rep by its Hereditary Trustee
Kadambadi Village, Kadambadi Post,
Thirukazhukundram Taluk,
Kanchipuram District - 603 101.

..Petitioner

vs

- 1.The President,
Kadambadi Panchayat,
55, Kadambadi Village,
Thirukazhukundram Taluk,
Kanchipuram District.
- 2.The Block Development Officer,
Kadambadi, Thirukazhukundram Taluk,
Kanchipuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE of a WRIT, forbearing the Respondents from in any manner carrying on any developmental activity on the Petitioner's property situated in S.No.287/1, Kadambadi Village, Kadambadi Post, Thirukazhukundram Taluk, Kanchipuram District, either by dumping materials or any construction.

For Petitioner : Mr.Willson Topaz
for M/s.A.S.Kailasam and Associates

For Respondents : Mr.N.Raja Kallifulla
for Mrs.V.Renuka Devi for R1 & R2

O R D E R

The above writ petition is filed for a Writ of Mandamus to restrain the respondents from carrying on any developmental activity on the property situated in Survey No.287/1, Kadambadi

Village, Kadambadi Post, Thirukazhukundram Taluk, Kanchipuram District, either by dumping materials or any construction.

2. The writ petition pertains to the year 2008 and the alleged cause of action in the writ petition is on account of alleged trespass into the property on 07.07.2008 by the respondents by dumping and levelling the land.

3. The petitioner claims to be the Hereditary Trustee of Maari Chinnamman Thirukoil. There is no representation on behalf of the first respondent. Second respondent has filed a counter affidavit and in Paragraph No.4 of the said counter, the second respondent has questioned the locus standi of the petitioner as a Hereditary Trustee of the Temple.

4. The Court is not inclined to go into the merits or demerits of the above issue as nothing survives in the writ petition. At the same time, since the Temple lands are governed by the H.R. & C.E. Department, any construction or developmental activity has to be carried out after getting appropriate permission from the said Department.

5. Accordingly, the present writ petition is closed. No costs.

6. Consequently the connected W.M.P is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

krk

To

The Block Development Officer,
Kadambadi, Thirukazhukundram Taluk,
Kanchipuram District.

+1cc to Mr.N.Raja Kallifulla, Advocate, S.R.No.57785

+1cc to M/s.A.S.Kailasam and Associates, Advocate, S.R.No.57764

W.P.No.17059 of 2008
& W.M.P.No.1 of 2008

SVN(CO)
CS/07/06/18