

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.36767 of 2016

A.Radhakrishnan

...Petitioner

Versus

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.
- 2.The Additional Chief Secretary -
Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
- 3.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
- 4.The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai - 600 034.
- 5.The Chief Sthapathi,
Hindu Religious and Charitable Endowments,
1/4, Kamarajar Nagar,
4th Main Road,
Thiruvanmiyur,
Chennai - 600 041.
- 6.The District Collector,
Salem District,
Salem - 636 001.
- 7.The Land Acquisition Officer -
District Revenue Officer,
Salem - 636 001.
- 8.The Sub Divisional Executive Magistrate
and Revenue Divisional Officer,
Salem - 636 001.

9.The Commissioner of Police,
Salem - 636 006.

10.The Commissioner,
Salem City Municipal Corporation,
Salem - 636 001.

11.The Assistant Director,
District Land Survey,
Salem - 636 001.

12.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Salem - 636 001.

13.The Assistant Commissioner /
Executive Officer,
Arulmighu Sugaveneswarar Temple,
Salem Town, Salem - 636 001. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 4 to 11 to hand over the property of the street situated on the southern side of the respondent temple for the purpose of making extension of the temple and further directing the respondents 6 to 11 form new street on the southern side of the respondent temple by acquiring the private lands.

For Petitioner : Mr.A.Radhakrishnan
Party-in-person

For Respondents : Mr.N.Manikandan
Government Advocate, for R1 to R3,
R6 to R9 and 11
Ms.K.Bhuvaneswari
Standing counsel for R10
Mr.M.Maharaja
Special Government Pleader (HR & CE)
for R4, R5, R12 & R13

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The petitioner has come forward with the present writ petition seeking for issuance of Writ of Mandamus, directing the respondents 4 to 11 to hand over the property of the street situated on the southern side of the respondent temple, for the purpose of making extension of the temple and further to direct the respondents 6 to 11 to form a new street on the southern side of the respondent temple by acquiring the private lands.

2. Heard Mr.A.Radhakrishnan, who appeared in person, Mr.N.Manikandan, learned Government Advocate appearing for the respondents 1 to 3, 6 to 9 and 11, Ms.K.Bhuvaneshwari, learned Standing counsel appearing for the 10th respondent and Mr.M.Maharaja, learned Special Government Pleader (HR & CE) appearing for the respondents 4,5,12 and 13.

3. The case of the petitioner is that he is a trustee of the Arulmighu Sugaveneswarar Temple, which is an ancient temple having 2000 years old. The space available in the temple is not sufficient to conduct ritual activities for the public, hence he made a representation to the respondents and also to the Chief Minister of Tamil Nadu, for expansion of the temple on the southern side.

4. The further case of the petitioner is that even in the year 2013 a meeting was convened by the District Collector, in which the officials from the Salem Corporation, Public Works Department, Fire and Rescue Department, Hindu Religious and Charitable Endowments Department have participated, but subsequently, nothing had been done. Hence, he gave another representation on 04.08.2013. Since no action was taken, the present writ petition has been filed.

5. The learned counsel for the respondents submitted that they have already conducted a joint meeting, since it was not feasible and no decision was taken.

6. In the counter affidavit filed by the 13th respondent stated that the proposal was already sent to the Commissioner, HR & CE for necessary action and the project can be implemented only with the co-operation of Salem Corporation and the District Collector.

7. The learned Standing counsel appearing for the 10th respondent submitted that the proposal was already rejected and if a fresh representation is given, it would be considered in accordance with law.

8. The petitioner has submitted that he is ready to give a fresh representation to the Commissioner, Salem City Municipal Corporation.

9. In the light of the above submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the 10th respondent, by enclosing a copy of

this order. On such compliance, the 10th respondent shall considered the same and take appropriate action, on merits and in accordance with law, after providing an opportunity of personal hearing to all the necessary parties.

10. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Deputy Registrar

/true copy/

Sub Asst. Registrar

ms

To

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Chennai - 600 009.
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Chennai - 600 005.
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Executive Officer,
Arulmighu Sugaveneswarar Temple,
Salem Town,
Salem - 636 001.

+ 1 cc to Mr.A.Radhakrishnan Advocate, SR.23240

+ 1 cc to The Govt.Pleader, SR.25216

W.P.No.36767 of 2016

NR 11/04/2018

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