



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.12553 of 2019

and

W.M.P. (MD)No.9344 of 2019

Sree Balanagammal Koil  
Rep. through Secretary  
S.Vellaipandi

: Petitioner

Vs.

1. The Commissioner,  
Madurai Corporation,  
Anna Maaligai, Madurai.

2. The Assistant Commissioner,  
Zonal office -4,  
West Veli Street, Madurai -1.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the order W4A8/000193/19 on 13.05.2019 on the file of the second respondent and quash the same consequently direct the respondents to withdraw all further action against that shed premises owned by the petitioner's temple.

|                 |                             |
|-----------------|-----------------------------|
| For Petitioner  | : Mr.R.Ramasamy             |
| For Respondents | : Mr.J.Gunaseeland Muthaiah |

### **O R D E R**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The petitioner is a Temple. It owns a hearse cart vehicle. The said vehicle has been kept in a shed. But the site, on which the shed has been erected does not belong to the writ petitioner and it belongs to the Corporation. Therefore, the Corporation issued notice calling upon the petitioner to remove the encroachment in question. The petitioner filed W.P.(MD)No.971 of 2019 questioning the same. The said writ petition was disposed of by order dated 13.02.2019 by calling upon the Corporation to consider the petitioner's objections and *status-quo* was ordered to be maintained till then. Pursuant to the direction given by the Hon'ble Division Bench, the respondent Corporation after considering the petitioner's objection, passed the ~~order~~ <sup>order</sup> dated 13.05.2019, whereby the petitioner's request for retention of the petition mentioned shed has been rejected. The same is under challenge in this writ petition.



2.The petitioner's counsel submitted that the petitioner is using the said vehicle only for charitable purpose.

3.Be that as it may, it is not in dispute that the site in question does not belong to the petitioner. Therefore, we find no ground to interfere with the impugned order and the impugned order is sustained. The writ petition stands dismissed. However, the petitioner is given four months time from today to make alternative arrangements. It is made clear that if at the end of the four months period, the shed is still not removed, it is open to the respondents to remove the same straightaway without any further notice. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/  
Assistant Registrar(crl.side)/  
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,  
Madurai Corporation,  
Anna Maaligai, Madurai.
2. The Assistant Commissioner,  
Zonal office -4,  
West Veli Street, Madurai -1.

+1 CC to Mr.R.RAMASAMY, Advocate ( SR-66440[F] dated 30/05/2019 )  
+1 CC to Mr.J.GUNASEELANMUTHIAH, Advocate ( SR-66410[F] dated  
30/05/2019 )

Order made in  
**W.P.[MD]No.12553 of 2019**  
Dated: 29.05.2019

**rj2**

MK (12.06.2019) 2P 5C