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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2019**

CORAM:

THE HONOURABLE MR. **JUSTICE K.K.SASIDHARAN**

AND

THE HONOURABLE MR. **JUSTICE P.D.AUDIKESSAVALU**

**Suo Motu W.P. (MD) No.23017 of 2018**

THE REGISTRAR (JUDICIAL),  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

... PETITIONER

Vs

1.THE DISTRICT COLLECTOR, MADURAI.

2.THE COMMISSIONER, MADURAI CORPORATION.

3.THE JOINT COMMISSIONER, ARULMIGU MEENAKSHI SUNDARESWARAR TEMPLE,  
MADURAI.

4.R.SAMAYA MUTHU

5 T.CHELLAMUTHU

6 E.KARTHICK

(R4 to R6 Suo Motu impleaded vide Court order dated 19.11.2018)

7 THE SUPERINTENDING ENGINEER (TANGEDCO),  
MADURAI METRO, MADURAI.  
I/C THEPPAKULAM AREA.

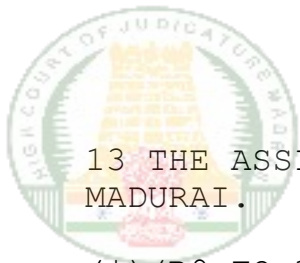
8 THE ASSSISTANT COMMISSIONER (LAW AND ORDER) THEPPAKULAM, MADURAI.  
(R7 AND R8 SUOMOTU IMPEADED VIDE COURT ORDER DATED 12/12/2018 BY  
KKSJ & PDAJ)

9 THE SUPERINTENDING ENGINEER HIGHWAYS DEPARTMENT, MADURAI.

10 THE EXECUTIVE ENGINEER PUBLIC WORKS DEPARTMENT, MADURAI.

11 THE COMMISSIONER OF POLICE, MADURAI.

12 THE DEPUTY COMMISSIONER OF POLICE (TRAFFIC), MADURAI.



13 THE ASSISTANT COMMISSIONER OF POLICE,  
MADURAI.

... RESPONDENTS

(\*) (R9 TO 13 ARE SUO MOTU IMPLEADED VIDE ORDER DT.13/12/18

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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus, a) directing the respondents to provide basic amenities and facilities to the public in that area within a time stipulated by this Honourable Court. b) directing the respondents to take appropriate action against the contractors who are collecting exorbitant amount for parking the vehicles and toll fee from the vendors violating the terms of the contract and fee fixed by the authorities. c) or any other writ or direction or order in the nature of Writ as Hon'ble Court may deem fit and proper, in the circumstances of the case.

**Appearance :-**

MR.D.VENKATESH, Advocate for the petitioner

MR.K.CHELLAPANDIAN,  
Additional Advocate General  
assisted by Mr.A.K.BASKARA PANDIAN for R1,

Mr.R.MURALI, Advocate for R2,

MR.V.R.SHANMUGANATHAN, Standing counsel for R3

Mr.A.ARUNACHALAM, for R-4

Mr.R.JANAKIRAMULU, for R-5

Mr.ERULAPPARAJ, for R-6

**O R D E R**

**(made by K.K.SASIDHARAN, J.)**

This Writ Petition is registered suo motu pursuant to the report published by 'the Times of India' in its Edition dated 16 November, 2018. The newspaper highlighted the problems faced by the people living near Vandiyur Mariamman Temple, and more particularly, the residents of Viraganoor, Anupanadi, Kamarajar Salai, Anna Nagar and Bungajam Colony. According to the report, there are no parks or amusement activities provided by the local body in the said area. The local people are visiting "Theppakulam" for recreation. It is contended that the contractors appointed by the temple are collecting excess amount than the amount fixed in the notification. Since a larger interest was projected in the said report, we directed the Registry to register a Writ Petition.



2. We have passed string of orders for developing the area.

(a) The material portion of the order dated 13 December 2018 is as follows:-

2. We appointed Thiru.S.Anwar Sameem, Advocate, Enrolment No.2428/2008, 37, Law Chamber, as Amicus Curiae to assist the Court. We permitted the learned Amicus Curiae to inspect the Teppakulam and the area surrounding there and submit a report before this Court with regard to the facilities available to the public.

3. The learned Amicus Curiae, after inspection, filed a report before this Court. The report is alarming.

4. The learned Amicus Curiae reported that the Teppakulam is completely stinking and the smell emanated from the tank is intolerable. The tank is used as a rest room by the public. Even the inner stone platform of the tank is used for passing urine. The wastes are dumped inside the Teppakulam and more particularly, all the entrance steps. There is absolutely no lighting facility on the southern and eastern sides of Teppakulam. The two sides are completely under dark. The pavement abutting the Teppakulam, which were laid with granite stones, are found damaged in several areas on account of poor maintenance. The learned Amicus Curiae during inspection noted that there were 50 tourist buses parked on the southern and eastern sides of the tank. The tourists were cooking food near the respective buses using the gas cylinder. The entire area is filled up with rubbish, food waste, and used plates and cups. The tourist buses are made to pay considerable amount without issuing receipts. The devotees used to slaughter animals and birds as their offering on the steps located opposite to the Arulmigu Mariamman Temple and the remnants of such offering are left there without removal.

5. The learned Amicus Curiae found that several people including elders are using the Teppakulam area as a place for walking and enjoying the evenings. However, adequate facilities are not available. There is absolutely no parking and as a result, there has been traffic blocks.

6. The Joint Commissioner, Arulmighu Meenakshi Sundareshwarar Temple, the Commissioner, Madurai Corporation, the Superintending Engineer, TANGEDCO and the Assistant Commissioner, Teppakulam Range, are



present in Court today.

7. We are informed by the Commissioner that the land abutting the Teppakulam belongs to the Madurai Meenakshi Sundareshwarar Temple. The Temple permitted the local body to lay a road. According to the learned Amicus Curiae, swift action on the part of all stake-holders is necessary for developing the area around Teppakulam as tourist destination and the place for entertainment.

8. We are of the view that the District Administration, Madurai, must be sensitive to the issue raised by the public. The Teppakulam is situated in the heart of the City. The Madurai is declared as a 'Smart City'. The present poor condition at Teppakulam would go against the concept of 'Smart City'. In case the City must attain the smartness, the whole area must also be developed smartly. There appears to be no follow-up action for developing this area. We are, therefore, of the view that the District Administration must take emergent action.

9. We suo motu implead the Superintending Engineer, Highways Department, Madurai, the Executive Engineer, Public Works Department, Madurai, the Commissioner of Police, Madurai, the Deputy Commissioner of Police (Traffic), Madurai and the Assistant Commissioner of Police, Madurai, as respondents 9 to 13.

10. We direct the District Collector, Madurai, to convene a meeting of all the stake-holders forthwith and preferably, by 18 December, 2018, to consider the development and maintenance of Teppakulam and the area surrounding the tank. The follow-up action must include provision for sitting, walking around the Temple, parking for vehicles and sufficient lighting. There should be an action plan for all over development of the area.

11. We direct the District Collector, to file an action taken report on 20 December, 2018.

12. Post the Suo Motu Writ Petition immediately after motion on 20 December, 2018.

13. The Registry is directed to carry out the necessary amendment.

(b) The following order was passed on 18 January 2019.

We have perused the report dated 17 January, 2019, filed by the District Collector, Madurai, pursuant to our order dated 08 January, 2019.

2. The District Collector inspected the



Theppakulam area on 17 January, 2019 along with the Commissioner, Madurai Corporation, Deputy Commissioner of Police (Law and Order), Madurai City and the officials of the other departments concerned. The report indicates the action taken so far for providing street lights, basic amenities, parking, traffic regulations, the provision for vendors, safety gates and filling up of water in Theppakulam.

3. We are informed by the learned counsel for the respective respondents and the learned Special Government Pleader that a decision was taken to declare the area surrounding Theppakulam as a non-parking and non-vending zone. The vehicles would be permitted to park in a separate area owned by the Temple. The parking area is earmarked at the Anuppanadi road for parking two wheelers. Similarly, four wheelers would be permitted to park at the western side of the Theppakulam.

4. We direct the respective departments to file a separate action taken report and more particularly, the Commissioner, Madurai Corporation, the Joint Commissioner, Arulmighu Meenakshi Sundareswarar Temple and the Deputy Commissioner of Police (Law and Order), Madurai City. The police must declare the area surrounding the Theppakulam tank as a non-parking zone. Sufficient indication should be made that the area is declared as a non-parking zone. Similarly, a notification should be issued by the Joint Commissioner, Arulmighu Meenakshi Sundareswarar Temple and the Deputy Commissioner of Police (Law and Order) that the area is declared as a non-vending zone. The vehicles should be parked only in the area earmarked for the said purpose by the Temple. The vending should be permitted only in the area earmarked for the said purpose by the Temple. In case the vehicles are found parked on the stretch abutting the Theppakulam, it should be towed away by the Traffic police. Sufficient policemen should be posted for regulating the traffic in and around the Theppakulam. We direct the District Collector to coordinate with all the stake-holders to ensure that the Theppakulam is maintained as a heritage and tourist spot.

5. The Joint Commissioner, Arulmighu Meenakshi Sundareswar Temple made a proposal to the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, for providing 12



grill gates for the safety of the entrance to the Theppakulam at an estimated cost of Rs.22 Lakhs.

6. We direct the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, to consider the proposal and issue appropriate orders permitting such work. The orders to that effect shall be passed by the Commissioner, within a period of one week from the date of receipt of a copy of this order.

7. Post the Writ Petition for filing action taken report by the concerned departments on 25.1.2019.

3. The Commissioner, HR & CE Department, pursuant to our earlier order, approved the proposal for providing 12 Grill Gates for the safety of the entrance to Thepakkulam. We direct the Joint Commissioner, Arulmigu Meenakshi Sundareswarar Temple, Madurai, to complete the work as expeditiously as possible.

4. The temple town of Madurai was included in the Smart City Project by the Government of India. Thepakkulam area is an arterial part of the city. This area should be developed by the District administration and the Madurai Corporation.

5. We are informed that the land abutting the temple tank is in the possession of the Corporation. We direct the Commissioner, Corporation of Madurai to provide necessary sitting arrangements abutting the tank. Such a step would enable the public to come over to the area during the morning and evening and enjoy the beauty of the nature. The Corporation must engage sufficient staff to keep the area in a clean and tidy condition.

6. The area has already been declared "no parking" zone by traffic police. The said position should be maintained by the police at all point of time. The temple administration should ensure that the contractor is not collecting fees in excess of the permitted fees from the street vendors.

7. The District Collector must monitor the development works in the Thepakkulam tank area and ensure that all the basic amenities are provided to the public. The District Collector shall file an action taken report before this Court after completing all the works in and around Thepakkulam during the first week of June 2019.

8. The earlier orders passed by this Court shall be treated as part and parcel of this final order.



9. The Writ Petition is disposed of with the above direction.  
No costs.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS )

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To

1. THE DISTRICT COLLECTOR, MADURAI.

2. THE COMMISSIONER, MADURAI CORPORATION.

3. THE JOINT COMMISSIONER, ARULMIGU MEENAKSHI SUNDARESWARAR TEMPLE, MADURAI.

4. THE SUPERINTENDING ENGINEER (TANGEDCO),  
MADURAI METRO, MADURAI. I/C THEPPAKULAM AREA.

5 THE ASSSISTANT COMMISSIONER (LAW AND ORDER) THEPPAKULAM, MADURAI.

6 THE SUPERINTENDING ENGINEER HIGHWAYS DEPARTMENT, MADURAI.

7 THE EXECUTIVE ENGINEER PUBLIC WORKS DEPARTMENT, MADURAI.

8 THE COMMISSIONER OF POLICE, MADURAI.

9 THE DEPUTY COMMISSIONER OF POLICE (TRAFFIC), MADURAI.

10 THE ASSISTANT COMMISSIONER OF POLICE,  
MADURAI.

1CC TO MR. R. MURALI, ADVOCATE SR 44111

1CC TO MR. R. JANAKIRAMULU, ADVOCATE SR 44567

1CC TO THE SPL GOVT PLEADER SR 44398

KK

12/04/2019

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**W.P. (MD) No.23017 of 2018**  
**31.01.2019**