



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.23441 of 2019

and

W.M.P. (MD)No.20080 of 2019

S.Selvaraj

... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
75, Santhom High Road,
Raja Annamalaipuram,
MRC Nagar, Chennai - 28.
2. The Director of Town and Country Planning,
O.o. The Director of Town and Country Planning,
Anna Salai,
Chennai - 600 002.
3. The Deputy Director of Town and Country Planning,
Thanjavur Region,
Arulananda Nagar 7th Street,
Thanjavur District.
4. The District Collector,
Thanjavur Distirct,
Thanjavur.
5. The Regional Director of Municipal Administration,
Near Kodimarathu Moolai,
Thanjavur.
6. The Municipal Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.
7. V.Krishnasamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the unauthorized and illegal construction of Temple situated in T.S.Nos.75B, 79B, Ward No.5, Block No.1 at Kumbakonam Municipality (1) measuring to an extent of approximately 15 x 20 square feet made by the 7th respondent in the place of 6 respondent.



For Petitioner : Mr.M.Siddharthan
For Respondents 1 to 5 : Mr.S.Angappan, GA
For 6th Respondent : Mr.M.Raja Rajan

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Siddharthan, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the respondents 1 to 5 and Mr.M.Raja Rajan, learned counsel appearing for the 6th respondent.

2.This writ petition has been filed by one Selvaraj praying for a direction upon the respondents 1 to 6 to remove the structure, which according to the petitioner is a temple and could not have been constructed in the said property, which is owned by the municipality, which has been developed under public private partnership agreement.

3.Earlier the petitioner Selvaraj had filed W.P.(MD)No.17861 of 2019, challenging the very award of the contract in favour of the seventh respondent. The said writ petition was elaborately heard by us and was dismissed by an order dated 01.11.2019.

4.The petitioner Selvaraj in the said writ petition clearly admitted during the course of argument that the marriage hall was in the verge of opening and it should be restrained and ultimately, we heard the writ petition and passed order. Unfortunately when he filed the present writ petition, which was filed on 04.11.2019, the petitioner has filed photographs showing the construction in progress. The conduct of the petitioner is deprecated and far from being satisfactory. In such circumstances, at the instance of the petitioner, we are not inclined to issue any direction to the respondents as prayed for. We find that the plea raised by the petitioner lacks bonafide and the suspicious manner in which, the petitioner has come before this Court needs to be severely deprecated.

5.Apart from that, we note that Mr.M.Siddharthan, learned counsel, who has filed the present writ petition has stated before us that he was not aware of the earlier litigation and therefore, we have not imposed any cost on the petitioner.

6.Accordingly this petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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To

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Thanjavur District.

+1 CC to M/s.SPL GP (SR-96956[F] dated 08/11/2019)

+1 CC to M/s.M.SIDDHARTHAN, Advocate (SR-97126[F] dated 8/11/2019)

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-97097[F] dated 08/11/2019)

Mrn

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