IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.3961 of 2020

R.Krishnan
S/o.Rengan ... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600003.

2.The Zonal Officer,
Zone No.10, Kodambakkam,
Chennai - 600024.

3.The Inspector of Police,
R-8 Vadapalani Police Station,
Chennai - 600024. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing first respondent to dispose of petitioner's representation dated 17.07.2019 for removal of unauthorized obstruction "Sri Aadhi Sakthi Vinayagar Temple" and tree situated abetting the petitioner's house property at No.28/A, Vannarpathi, Kodambakkam, Chennai - 600024.

For Petitioner : Mr.N.A.Sadique
for Mr.M.Ajaykumar

For Respondents : Mr.K.Raja Shrinivas [R1 & R2]
Mr.E.Balamurugan
Special Government Pleader [R3]

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O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present petition seeking issuance of a Writ of Mandamus directing first respondent to dispose of petitioner's representation dated 17.07.2019 for removal of

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unauthorized obstruction viz., "Sri Aadhi Sakthi Vinayagar Temple" and the tree situated abetting the petitioner's house property at No.28/A, Vannarpathi, Kodambakka, Chennai - 600024.

2. Heard learned counsel for petitioner, learned standing counsel appearing for respondents 1 and 2 and learned Special Government Pleader appearing for third respondent.

3. Learned counsel for petitioner submits that petitioner is the owner of the house and ground premises and compound walls situated at 28/A, Vannarapathai, Kodambakkam, Chennai - 600024. A tree is growing up in front of the petitioner's compound wall. The grievance of the petitioner is that one Arumuga Naicker, A.Umapathi, Jayathi and Radha, are offering prayers as if there is an Aadhi Sakthi Vinayagar and has also constructed a temple. Not stopping there, they are also trying to develop the temple. The said temple and the tree is causing obstruction and hindrance to petitioner's property. Petitioner preferred a complaint before the third respondent police and CSR No.572/2019 dated 25.06.2019 was issued. In this regard, petitioner also submitted a representation dated 17.11.2019 to first respondent. Since no action was taken, the present Writ Petition has been filed seeking the aforesaid relief.

4. Learned standing counsel for Corporation submits that based on the complaint preferred by petitioner, petitioner as well as other parties were called for enquiry, in which, one Arumuga Naicker, A.Umapathi, Jayathi and Radha gave assurance that they would not disturb the petitioner by putting up construction. Recording the said statement, the complaint was closed. The closure report has also been produced before this Court.

5. Since third respondent police conducted enquiry and closed the complaint recording the undertaking given by opposite parties, this Court is of the view that there is no necessity to issue any direction to respondents to consider the petitioner's representation dated 17.11.2019.

Accordingly, the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

1.The Commissioner,
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2.The Zonal Officer,
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3.The Inspector of Police,
R-8 Vadapalani Police Station,
Chennai - 600024.

+1cc to Mr.V.Sakthivel, Advocate Sr.No.14635
+1cc to The Government Pleader Sr.No.15126

AKM/03.03.2020 /3p-6c/

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