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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.8085 of 2020
& W.M.P.No.9598 of 2020

K.Lakshmanan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary Government,
Revenue [LD5(2)] Department,
Fort St.George, Chennai - 600 009.
- 2.The Secretary,
Energy Department,
Fort St.George, Chennai - 600 009.
- 3.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600 009.
- 4.The Secretary,
Backward, Most Backward Classes &
Minority Welfare Department,
Fort St.George, Chennai - 600 009.
- 5.The Director of Backward Classes
and Minorities Welfare,
Chepauk, Chennai - 600 005.
- 6.The Chairman & Managing Director,
Tamil Nadu Electricity Generator
and Distribution Company,
[TANGEDCO], No.144, Anna Salai,
Chennai - 600 002.
- 7.The Chairman,
Chennai Metropolitan Water Supply



and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

8.The District Collector of Chennai,
O/o. the Collectorate,
Rajaji Salai, Chennai - 600 001.

9.The Commissioner for Land Administration,
Chepauk, Chennai - 600 005.

10.The Tahsildar,
Ayanavaram, Chennai - 600 023.

11.Arulmighu Somantha Swami Temple,
Rep. By its Executive Officer,
Having office at Main Temple
premises at Devi Balamman Temple,
Villivakkam, Chennai - 600 049.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the 7th respondent from putting up any kind of construction activities in respect of lands in T.S.No.21, and extent of 0.16.00 Hectare of land out of the total extent of 0.70.40 Hectare at Block No.2, Kolathur Village, Purasaiwakam - Perambur Taluk, [now Ayanavaram Taluk], Chennai District.

For Petitioner ..Mr.K.Sakthivel

For Respondents .. Mr.R.Udayakumar
Additional Government Pleader for RR1
to R5 & R8 to R10

..Mr.N.Ramesh for R7

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This public interest litigation has been filed by the petitioner on behalf of the temple seeking to issue a writ of mandamus forbearing the seventh respondent from putting up any construction in respect of land in T.S.No.21, and extent of 0.16.00 Hectare of land out of the total extent of 0.70.40 Hectare at Block No.2, Kolathur Village, Purasaiwakam - Perambur Taluk, [now Ayanavaram Taluk], Chennai District.



2.A perusal of the documents filed and paragraph 9 of the affidavit would clearly show that the said land has been given in favour of the seventh respondent by the first respondent under G.O.Ms.No.56, Revenue (LD5(2)) Department, dated 04.02.2016. Therefore, the rights have already been created in favour of the 7th respondent.

3.In such view of the matter, issuance of writ of mandamus is contrary to law and cannot be issued as long as the Government order stands. Accordingly, the writ petition stands dismissed. However, liberty is given to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary Government,
State of Tamil Nadu,
Revenue [LD5(2)] Department,
Fort St.George, Chennai - 600 009.
- 2.The Secretary, Energy Department,
Fort St.George, Chennai - 600 009.
- 3.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600 009.
- 4.The Secretary,
Backward, Most Backward Classes &
Minority Welfare Department,
Fort St. George, Chennai - 600 009.
- 5.The Director of Backward Classes
and Minorities Welfare,
Chepauk, Chennai - 600 005.



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6.The Chairman & Managing Director,
Tamil Nadu Electricity Generator
and Distribution Company,
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7.The Chairman,
Chennai Metropolitan Water Supply
and Sewerage Board,
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8.The District Collector of Chennai,
O/o. the Collectorate,
Rajaji Salai, Chennai - 600 001.

9.The Commissioner for
Land Administration,
Chepauk, Chennai - 600 005.

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M/s.Arulmighu Somantha Swami Temple,
Having office at Main Temple
premises at Devi Balamman Temple,
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W.P.No.8085 of 2020

MR(CO)
CB(23/09/2020)