



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11465 of 2020

and

W.M.P. (MD)No.10021 of 2020

K.Singarajan

... Petitioner

Vs.

1.The Tashildar,
Taluk Office,
Srivilliputtur Town,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Srivilliputtur Town,
Virudhunagar District.

3.The Inspector of Police,
Town Police Station,
Srivilliputtur Town,
Virudhunagar District.

4.The Executive Officer, HR & CE.,
Arulmghu Naachiyar Thirukovi (Aandal Temple),
Srivilliputtur Town,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein, their men, agents, servants or anybody from claiming any right through them from preventing the petitioner herein from doing construction activities within their trust property lying in T.S.No.2174, situated at No.51, Andal Sannathi Street, Srivilliputhur Town.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.M.Rajarajan,
Additional Govt. Pleader for R1 to R3
Mr.P.Mahendran,
Additional Government Pleader for R4



O R D E R

Heard the learned counsel on either side.

2.The petitioner claims that he is the Manager of Sri Somani Trust Society, taking care of the petition mentioned property. The property was originally owned by Nanguneri Vanamamalai Mutt. The said Mutt appears to have handed over the said property to Sri Somani Trust Society. The property appears to have been dedicated for providing accommodation to the devotees visiting the Aandal Temple, Srivilliputtur.

3.The petitioner had partially demolished the compound wall for the purpose of putting up a shop. According to him, since the revenue inflow had dwindled, in order to raise funds for maintenance purposes, it is proposed to construct a shop.

4.I posed a direction question to the petitioner's counsel as to whether proper planning and building approval has been obtained. The petitioner's counsel states that an application had been submitted to the local body but formal approval is yet to be given.

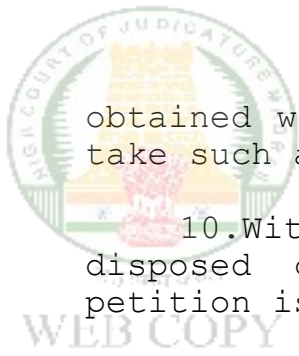
5.I fail to understand as to how the petitioner could have gone ahead with the work of demolition and construction, when he had not obtained formal building approval.

6.I also had a serious doubt as to how a building that was dedicated for accommodating the devotees can be put to commercial use. The petitioner's counsel states that only vacant site was given by the Mutt and that the building was put up only by the petitioner/trust. I do not want to go into the said issues at present.

7.The petitioner's counsel at this point of time states that since the proposed activities have given rise to some law and order issues, police have been deployed and the petitioner is being prevented even from entering the building.

8.The petitioner through his counsel states that he would immediately close the opening that has now been created in the compound wall. This undertaking is recorded.

9.Since the petitioner has stated that without getting prior approval from the concerned authorities, he will not go ahead with the proposed work, I permit the petitioner to reenter the building. He will not be prevented from doing so. However this is on a specific condition the opening that has now been created will be closed within a period of ten days from the date of receipt of a copy of this order. In other words, the position that originally



obtained will be restored. Thereafter, it is open to the trust to take such action as it deems fit in accordance with law.

10. With this liberty to the trust, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: 1. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Tashildar,
Taluk Office,
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Virudhunagar District.
2. The Deputy Superintendent of Police,
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Srivilliputtur Town,
Virudhunagar District.

+1 CC to M/s.GP (SR-16778[F] dated 14/09/2020)

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