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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.20563 of 2013
and
M.P.Nos.1 of 2013 and 2 of 2014

Narayanamurthy

... Petitioner

Vs

1.The Commissioner of Police
Greater Chennai, Egmore, Chennai-8.

2.The Commissioner
Hindu Religious Charitable
and Endowment Board, Nungambakkam
Chennai-34.

3.The Executive Officer
A/M.Shri Sreenivasa Perumal Koil
Devasthanam, Chennai-12.

4.Radhakrishnan
(R4 is impleaded as per order dated
18.11.2016 by MSRJ in M.P.No.1/2014
in W.P.No.20563 of 2013)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take appropriate action on the petitioner's representation dated 07.07.2013, consequently preventing any festival in the premises No.36, Aranimuthu Mudali Street, Choolai, Chennai-12.

For Petitioner : No appearance

For R1 and R2 : Mr.G.Krishnaraja, GA

For R3 : Mr.R.Mahalingam

ORDER

There is no representation for the petitioner either in person or through his learned counsel.



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2.The prayer made in this writ petition is to issue a mandamus, directing the respondents to take appropriate action on the petitioner's representation dated 07.07.2013, wherein, he requested the authorities to prevent the third party from performing any festival in the premises at No.36, Aranimuthu Mudali Street, Choolai, Chennai-12.

3.The petitioner averred in the affidavit filed in support of this writ petition is that he is a tenant of the subject premises and is paying rent to the third respondent. The fourth respondent is the owner of the property at No.7, Aranimuthu Mudali Street, Choolai, Chennai-12, which is opposite to the petitioner's premises and he installed an idol of Amman and is performing poojas without any permission from the respondents 2 and 3. While so, during the month of March, 2010, a third party constructed a temple on the southern side of the petitioner's property and all the efforts taken by the petitioner to prevent the same, by filing police complaints and civil suits, ended in vain. Further, they were performing poojas by collecting huge amounts from public, businessmen etc. and by using electricity and loud speakers unauthorisedly. Hence, the petitioner made a representation dated 07.07.2013 to the respondents, requesting to take action on them. Finding no response on the said representation, he has come up with this writ petition.

4.Heard the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel for the third respondent and also perused the materials placed before this Court.

5.Considering the limited relief sought herein, this Court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 07.07.2013, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, fourth respondent as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police
Greater Chennai, Egmore, Chennai-8.

2.The Commissioner
Hindu Religious Charitable
and Endowment Board, Nungambakkam
Chennai-34.

3.The Executive Officer
A/M.Shri Sreenivasa Perumal Koil
Devasthanam, Chennai-12.

+1cc to the Government Pleader, S.R.No. 32605

+1cc to Special Government Pleader(HR & CE), S.R.No. 32666

W.P.No.20563 of 2013

PMK(CO)
GN(09/08/2021)