

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.7292/2021

M.Deepak Goswami

.. Petitioner

Versus

1.The Commissioner
Greater Chennai Corporation,
Rippon Buildings
Chennai 600 003.

2.The Executive Engineer
Greater Chennai Corporation
Zone-VIII, Door No.368,
2nd Cross Street
Pulla Avenue, Shenoy Nagar
Chennai 600 030.

3.Mr.K.Shanmugam

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing respondents 1 and 2 to take action against the illegal constructions of a temple put up by the 3rd respondent in Survey Number S.No.23/1, Block No.2, Ward-1, Chinnakudal Village, Aminjikarai, Chennai approximately to the extent of 150 sq.ft., without obtaining any approval or planning permission nor the petitioner issued any no objection certificate based on the petitioner's representations dated 05.02.2021 and 02.03.2021 in accordance with the relevant provisions under the Tamil Nadu Town and Country Planning Act / City Municipal Corporation Act.

For Petitioner : Mr.K.G.Senthilkumar

For R1&R2 : Mr.K.Raja Srinivas
Standing counsel

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.K.Raja Srinivas, learned Standing counsel accepts notice on behalf of the respondents 1 and 2.

(3)The petitioner claims to be the owner of the land

admeasuring to an extent of 4.5 grounds in S.No.23/1, Block No.2, Ward - 1, Chinnakudal Village, Aminjikaiarai, Chennai District and according to him, the 3rd respondent has encroached the said admeasuring to an extent of 150 sq.ft., and put up a religious structure in the form of temple without any planning permission or authorisation and the representations dated 05.02.2021 and 02.03.2021 respectively, submitted to respondents 1 and 2 as well as notice sent to the 3rd respondent failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

- (4) The learned counsel for the petitioner would submit that insofar as the alleged encroachment on the part of the 3rd respondent upon the patta lands of the petitioner, he may work out his remedy by approaching the common law forum and insofar as the unauthorised construction, in the form of religious structure put up by the 3rd respondent is concerned, it is for the respondents 1 and 2 to take appropriate action.
- (5) Heard the submissions of Mr.K.Raja Srinivas, learned Standing counsel appearing for the Corporation of Chennai/respondents 1 and 2 would submit that in the light of the representations dated 05.02.2021 and 02.03.2021 respectively, submitted by the petitioner, appropriate action would be taken in accordance with law.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representations or in this writ petition, directs the 2nd respondent in coordination with the jurisdictional Tahsildar, Aminjikaiarai, shall cause inspection of the land in S.No.23/1, Block No.2, Ward No.1, said to have been owned by the petitioner and if the result of the inspection reveals that the religious structure said to have been put up by the 3rd respondent in the form of temple, is an unauthorised /deviated one, shall put the 3rd respondent on notice and thereafter, shall take immediate, necessary and appropriate steps in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.
- (8) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner
Greater Chennai Corporation,
Rippon Buildings
Chennai 600 003.

2.The Executive Engineer
Greater Chennai Corporation
Zone-VIII, Door No.368,
2nd Cross Street
Pulla Avenue, Shenoy Nagar
Chennai 600 030.

3.The Collector,
Chennai District, Chennai.

4.The Tahsildar,
Aminjikarai, Chennai.

5.Mr.K.Shanmugam,
S/o.P.Krishnan,
No.29 Kamarajar Nagar,
1st Street, Maduravoyal Erikkarai,
Maduravoyal, Chennai 600 095.

+1cc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.18332

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SS(CO)
GN(19/04/2021)



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