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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
AND  
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 8986 of 2021  
and  
W.M.P. No. 9509 of 2021

S.Anjalai

...Petitioner

Vs

1. The Managing Director  
Tamil Nadu Slum Clearance Board  
No.8, Kamarajar Salai  
Triplicane, Chennai - 600 005.

2. The Corporation of Chennai  
Rep. by its Commissioner  
Ripon Building, Chennai - 600 003.  
[R2 suo motu impleaded vide order dated  
09.04.2021 made in W.P.No8986 of 2021]

3. The Inspector of Police,  
E5-Police Station  
Foreshore Estate  
Chennai-600 004.

4. The Commissioner of Police,  
Vepery, Chennai - 600 007. ... Respondents  
[R3 & R4 suo motu impleaded vide order dated  
16.06.2021 made in W.P. No.8986 of 2021]

PRAYER : Writ Petition filed under Article 226 of the  
Constitution of India, 1950, praying to issue a Writ of  
Mandamus, to direct the Respondent not to permit anyone to  
obstruct the road Block Nos. 13 and 12 at Nochikuppam, Tamil  
Nadu Slum Clearance Board and to dispose of the petitioner's  
representation dated 18.02.2021.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.K.Raja Srinivas  
Standing Counsel (For R2)  
Mr. Shivakumar (For R1)  
Mrs. R.Anitha (For R3 & R4)  
State Government Counsel



(Order of the court was made by N.KIRUBAKARAN.J.,)

2. Places of worship are meant not only for worship and to offer prayers but also to give peace of mind, spread the message of positivity and love. However, nowadays it seems the places of worship have become places of discrimination and Power centres. That apart, places of worship have become subjects of controversy nowadays as many people are using them to create law and order problem, causing violence, terror resulting in loss of precious lives and destruction of properties. It is very unfortunate that people are divided based on religion. Places of worship are being used to achieve one's personal motive. Even for illegal purposes, the places for worship are being misused.

3. Properties are being encroached illegally for construction of religious structures in order to justify further encroachments made by them. Gods never want their places of dwelling to be constructed in a pathway or on an encroached land. Shockingly and surprisingly, the people are misusing the Gods for their convenience to achieve their illegal objects. This is one such case, in which a place of worship is being constructed encroaching upon a pathway without any approval from the competent authorities, which is mandatory for making any construction in any place, especially, in the city of Chennai.

4. The Petitioner has come before this Court seeking Writ of Mandamus, to direct the First Respondent not to permit anyone to obstruct the road Block Nos. 13 and 12 at Nochikuppam, Tamil Nadu Slum Clearance Board and to dispose of the Petitioner's representation dated 18.02.2021.

5. The Petitioner states that she is one of the allottees of the tenements of TNSCB occupying a residential portion of Nochikuppam bearing no. 13/1. Some influential people are constructing a Temple on the pathway in between two blocks without any authority and approved plan. If the construction is completed, definitely it will obstruct the common pathway. In view of that, the Petitioner gave a representation on 18.02.2021. Since no action has been taken on the representation made, the Petitioner has come before this Court seeking Writ of Mandamus directing the respondents to stop the construction of the temple in the middle of Block No.13 and 12 at Nochikuppam, Tamil Nadu Slum Clearance Board.



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6. This Court by an order dated 09.04.2021 impleaded the Commissioner, Corporation of Chennai as it was stated by the Learned Standing Counsel appearing for the Tamil Nadu Slum Clearance Board that the common area has been handed over to the Greater Chennai Corporation for maintenance.

7. Heard Mr. Ilamvaluthi, Learned Counsel for the Petitioner and Mr. Shiva Kumar, Learned Counsel appearing for the First Respondent and Mr. Raja Srinivasan, Learned Standing Counsel appearing for the Greater Chennai Corporation.

8. Mr. Raja Srinivas, Learned Standing Counsel appearing for the Second Respondent /Greater Chennai Corporation states that the land belongs to the Slum Clearance Board and the Slum Clearance Board only has to take action. Mr. Shiva Kumar, Learned Counsel appearing for the First Respondent /Tamil Nadu Slum Clearance Board stated that once the common area has been handed over to the Corporation, it is the duty of the Corporation to maintain its common area.

9. Notice given by the Corporation was refused by the persons, who is making the construction. Hence, it would go to show that the person, who is making the construction is not a law abiding citizen. No construction could be made without any right, that too in a public place and without any approved plan. Photographs produced before this Court would show that the temple is being constructed abutting tenements and causing disturbance to the rights of the persons living there. If really, the people want to construct religious structures, it is always open to them to construct them after getting appropriate approval from the authorities concerned in their properties. They cannot make use of a public place illegally to make construction, violating the rights of the occupants of the tenements.

10. Both the Respondents are trying to blame each other and that kind of an attitude of the respondents would also go to show that they are not inclined to take action against the persons, who are making the construction. In view of the above position, it is appropriate to implead

- (1) The Inspector of Police  
E5-Police Station  
Foreshore Estate  
Chennai-600 004

and

- (2) The Commissioner of Police  
Vepery, Chennai - 600 007

as Third and Fourth Respondents in the Writ Petition. Mrs. R.Anitha, Learned State Government Counsel takes notice for the newly impleaded Respondents.



11. It is also represented by Mr. S.Ilamvaludhi, Learned Counsel for the Petitioner that in spite of the interim order passed by this Court, the structure is being constructed. If it is true, it would establish that the persons, who are making construction, are not law abiding citizens and they have to be dealt with very firmly. Therefore, the First and Second Respondents are directed

(i) to verify as to whether any approval is available for construction?

(ii) If there is any approved plan available, whether construction is being made according to the approved plan?

If no approval is available for construction, the superstructure shall be demolished and removed. In case there is an approved plan and if any deviation exists, the same is required to be demolished and removed. Since it appears that the persons making constructions are not law abiding citizens, this Court directs the newly impleaded Fourth Respondent, viz., Police authority to give police protection while carrying out inspection and demolition, if it is required, as per order of this Court, within a period of one week from the date of receipt of a copy of this order.

12. With the above, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Managing Director  
Tamil Nadu Slum Clearance Board  
No.8, Kamarajar Salai  
Triplicane, Chennai - 600 005.
2. The Corporation of Chennai  
Rep. by its Commissioner  
Ripon Building, Chennai - 600 003.



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+1cc to Mr.PP.Vikram, Advocate, S.R.No.28159

W.P. No. 8986 of 2021

PCH(CO)  
GN(17/09/2021)