

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.NO.14976 OF 2020

AND

W.M.P.NO.18624 OF 2020

K.Vellachi

..

Petitioner

Versus

1. The District collector,
Cuddalore District,
Cuddalore.
2. The District Revenue Officer,
Cuddalore, Cuddalore District.
3. The Revenue Divisional Officer,
Chidambaram, Cuddalore District.
4. The Divisional Engineer,
Highways Department,
Cuddalore, Cuddalore District.
5. The Assistant Divisional Engineer,
Highways Department,
Kurinchipadi, Cuddalore district.
6. The Deputy Superintendent of Police,
Chidambaram, Cuddalore District.
7. The Tahsildar,
Bhuvanagiri Taluk,
Bhuvanagiri,
Cuddalore District.
8. The President,
Thatchakadu Panchayat,
Thatchakadu, Bhuvanagiri Taluk,
Cuddalore District.

9. Arulmigu Kanni Amman Temple,
rep.by its Trustees,
Vallam Village, Thatchakadu Post,
Bhuvanagiri Taluk,
Cuddalore District.

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 8 to take necessary action on the representations of the petitioner dated 14.09.2020 and 22.09.2020 and consequently forbear the 9th Respondent from putting up construction of Mandapam in front of the petitioners house at Vallam Village Thatchakadu post, Bhuvanagiri Taluk, Cuddalore District, by considering and passing orders on the Representations of the petitioner dated 14.9.2020 and 22.9.02020.

For Petitioner : Mr.K.Selvaraj

For RR1 to 7 : R.Vijayakumar
Additional Government Pleader

For R8 : Mr.M.Elumalai,
Additional Government Pleader

ORDER

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

Heard the submission of the learned counsel appearing for the petitioner and Mr.M.Elumalai, learned Additional Government Pleader appearing for the official respondents.

2. It prima facie appears that portion of the Temple put up by the 9th respondent is in S.F.No.124, which is on the Highways road and in this regard, notice under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 has also been served upon the 9th respondent on 24.11.2020 and since the 9th respondent has refused to receive the proceedings, it was pasted on the encroached property.

3. The learned counsel appearing for the 9th respondent would submit that in the light of the fact that the Temple is in place for quite long years and that the petitioner is also having an axe to grind against them, the petitioner lacks bonafide and this Writ Petition has been filed with an oblique motive.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. In the light of the stand taken by the 5th respondent in their counter affidavit dated December 2020 and that action has also been initiated under the provisions of the Highways Act, 2001 by invoking Section 28(2)(ii) of the Tamil Nadu Highways Act, no further order are necessary in this Writ Petition and the 5th respondent is directed to expedite the said process in accordance with law and conclude the same as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order / uploading of the order in the website.

6. The Writ Petition stands disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District collector,
Cuddalore District,
Cuddalore.
2. The District Revenue Officer,
Cuddalore, Cuddalore District.
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Highways Department,
Cuddalore, Cuddalore District.
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Highways Department,
Kurinchipadi, Cuddalore district.
6. The Deputy Superintendent of Police,
Chidambaram, Cuddalore District.

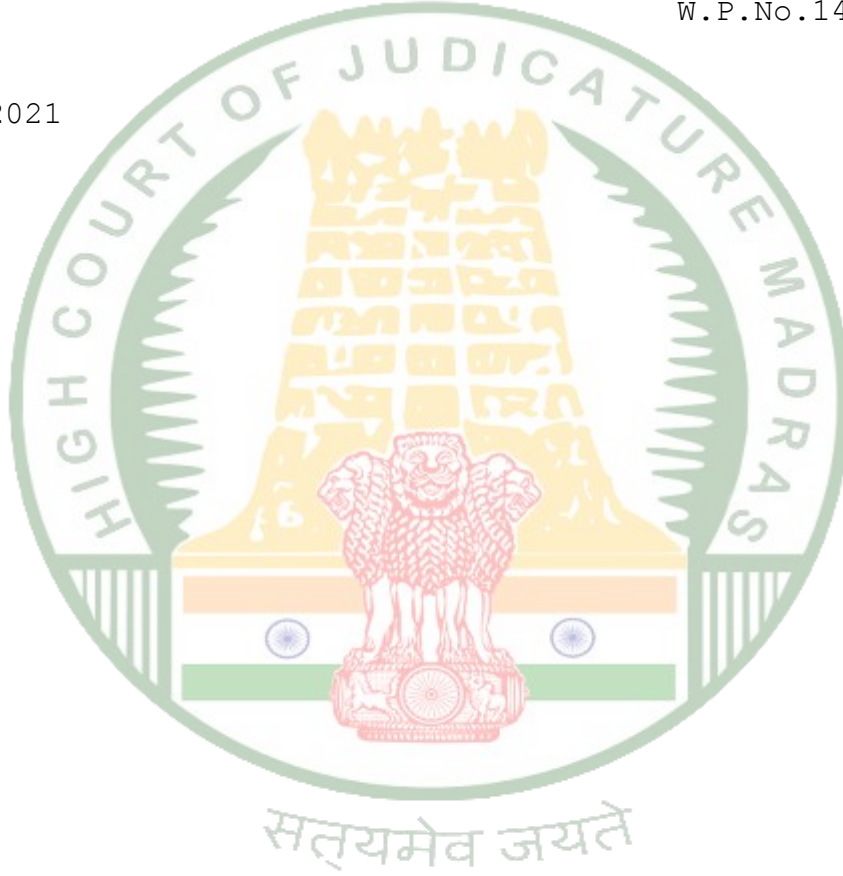
7. The Tahsildar,
Bhuvanagiri Taluk,
Bhuvanagiri,
Cuddalore District.

8. The President,
Thatchakadu Panchayat,
Thatchakadu, Bhuvanagiri Taluk,
Cuddalore District.

+1cc to M/s.V.Balaji, Advocate, S.R.No.8733

W.P.No.14976 of 2020

GP (CO)
CS/16/03/2021



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