



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.25462 OF 2014

AND

M.P.NO.1 OF 2014

Arulmigu Pidari Ayiram
Kathamman Koil Manali,
Rep. by its hereditary Trustee,
Mr.M.K.Sakthivel,
14/30, Muthukrishnan Street,
Kondithope,
Chennai - 600 079.

... Petitioner

.Vs.

1. The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Corporation of Madras,
Chennai - 600 003.

3. The Zonal Officer,
Zone - II,
Chennai Corporation,
Manali Zone,
Chennai - 600 068.

... Respondents

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents not to interfere with the peaceful possession and enjoyment of lands measuring an extent of 3.19 acres in No.191/2 of Manali Village, Thiruvottiyur Taluk, Trivellore District belonging to the petitioner temple without following due process of law.



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For Petitioner : Mr.R.Vijayakumar

For Respondents : M/s.N.Senthilselvi
Government Advocate
[For R1]

M/s.P.T.Ramadevi
[For R2 and R3]

O R D E R

The petitioner-Temple owns a land. The grievances of the writ petitioner is that the third respondent illegally entered into the property belongs to the petitioner-Temple and infringed the right of the Deity and therefore, the petitioner is constrained to move the present writ petition.

2. The learned counsel for the third respondent made a submission that the Corporation authorities entered into the land for the purpose of erecting Board namely "Amma Varasandhai".

3. However, it is brought to the notice of this Court that subsequently, the said Board had been removed by the Corporation.

4. This Court is of the considered opinion that commissioning of any Board or construction without the permission of the petitioner in the land itself is an illegal act of the third respondent. If at all, the Board is to be installed, proper permission should have obtained from the authorities and in the present case, without getting any such permission, the Board was installed. Therefore, the respondents 2 and 3 had committed a gross violation of the rule of Law. However, the Board had subsequently removed. Thus, the authorities are bound to follow the rule of Law and they are not empowered to infringe the civil rights of the persons.

5. Admittedly, the subject property belongs to the Temple and permission must be obtained from the Temple authorities. In the event of any further violations, the authorities are responsible and liable for prosecution. Thus, this Court is of an opinion that the Corporation Officials shall not venture into the act of illegality, which is otherwise punishable.



6. In view of the fact that the Board has already been removed, no further consideration is required.

7. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Corporation of Madras,
Chennai - 600 003.
3. The Zonal Officer,
Zone - II,
Chennai Corporation,
Manali Zone,
Chennai - 600 068.

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.66526
+1cc to Mr.R.Vijayakumar, Advocate, S.R.No.66176
+1cc to the Government Pleader, S.R.No.67089

W.P.NO.25462 OF 2014

SMI (CO)
PBS/27/12/2021