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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM

THE HON'BLE MR.JUSTICE PARESH UPADHYAY
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.2920 of 2021
and
C.M.P.No.19801 of 2021

V.Mani

..Appellant

Vs

1. The Commissioner,
HR & CE,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
2. The District Collector,
Singaravelar Maligai,
Chennai - 600 001.
3. The Joint Commissioner,
HR & CE, Rengasamykulam Opp.,
Kanchipuram - 631 501.
4. The Executive Officer,
Sri Velleeswarar Temple,
Kovur, Chennai - 600 128.
5. The Thasildar,
Alanthur, Chennai - 600 004.
6. The Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam,
Chennai - 600 004.

..Respondents

Appeal preferred under Clause 15 of Letters Patent against the order dated 26.10.2021 made in W.P.No.22193 of 2021.

Prayer in W.P.No.22193 of 2021: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus restraining the respondents herein or their men or agents from demolishing the temple is situated in Survey No. 406



Manapakkam Village Kanchipuram District without following due process of law and consider on the petitioner representation dated 30.09.2021.

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For Appellant .. Mr.K.Gangadaran

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order passed by learned Single Judge dated 26 October 2021 recorded on W.P.No.22193 of 2021.

2.Learned advocate for the appellant/ original writ petitioner has submitted that while dismissing the writ petition, learned Single Judge recorded certain finding, with which the petitioner is aggrieved. It is submitted that the petitioner does worship in the temple in question and the rejection of the petition on the ground that the petitioner does not have locus is required to be interfered with. It is noted that learned advocate for the appellant has taken this Court extensively through the reasons recorded by learned single Judge and it is contended that this appeal be entertained.

3.Having heard learned advocate for the appellant and having considered the material on record, this Court finds as under:

3.1 The prayer clause in the writ petition as noted in para 1 of the order reads as under:

"Captioned main writ petition has been filed with a prayer to mandamus the respondents restraining them from demolishing a temple said to be situate in land being 'Survey No. 406, Manapakkam Village, Sriperumbudur Taluk, Kanchipuram District' [hereinafter 'said land' for the sake of convenience and clarity]. Writ petitioner, claiming to be a resident of Manapakkam Village, has come up with the captioned writ petition."

3.2 Learned Single Judge has, after recording reasons as to why that relief could not have been granted, arrived at the conclusion that the said demolition could not be stopped, and in any case that could not be done at the hands of the present petitioner. We find that neither of these grounds can be said to be erroneous in the facts of the case. So far other grievances are concerned, it only needs to be noted that ultimately the



writ petition is dismissed, so any observation of learned single Judge for or against the petitioner would have utility to arrive at the finding recorded in this petition only.

4. This writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mmi/4

To

1. The Commissioner,
HR & CE,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
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S-4, Nandambakkam Police Station,
Nandambakkam,
Chennai - 600 004.

+1cc to Mr.K.Gangadaran, Advocate, S.R.No.65045

+1cc to the Government Pleader, S.R.No.66329

W.A.No.2920 of 2021

NK(CO)
RGA(12/01/2022)