



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ATED: 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 27019 of 2021

G.Vaidiyalingam

... Petitioner

-Vs-

1. The Commissioner,
The Commissioner of Police,
Vepery,
Chennai - 600 007.
2. The Executive Officer,
Vadapalani Murugan Temple,
Vadapalani,
Chennai - 600 026.
3. The Commissioner,
Hindu Religious & Charitable Endowment Board,
Nungambakkam, Chennai - 600 034.
4. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 02.09.2021 and to remove the obstructions of the petitioner's property comprised in Survey No.62/1A1A1A, Block No.16, Town Survey Nos.9 & 11, Saligramam Village.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.K.Suresh

Government Advocate for R1

Mr.M.Karthikeyan

Standing counsel for R2

Mr.S.Yashwanth

Additional Government Pleader for R3

Mrs.P.T.Ramadevi

Standing counsel for R4



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 02.09.2021 and to remove the obstructions of the petitioner's property comprised in Survey No.62/1A1A1A, Block No.16, Town Survey Nos.9 & 11, Saligramam Village.

2. The Petitioner claims that, he is the owner of the property at Town Survey Nos.9 & 11 in Block No.16, Saligramam Village, Mambalam Taluk, Chennai District.

3. In respect of this property, either on mistaken identity or otherwise, the second respondent Temple Authority has occupied the said land by putting up a tin shed fence. Therefore, in order to remove the same, the petitioner has given a representation to the respondents, especially the Temple Authorities on 02.09.2021. Since the said representation has not been considered, the petitioner has moved this Writ Petition with the aforesaid prayer.

4. Heard Mr.M.Chidambaram, learned counsel appearing for the petitioner, who having reiterated the aforesaid would seek indulgence of this Court to issue a direction by way of mandamus to consider the representation and to pass orders thereon on merits.

5. However, Mr.M.Karthikeyan, learned Standing counsel appearing for the second respondent Temple, on instructions, would submit that, in respect of some other land belongs to the Temple, action had been taken with the help of Revenue Officials to measure the land in order to identify the boundaries and insofar as the land belongs to the petitioner, especially the Town Survey Nos.9 & 11 referred to above are concerned, the second respondent Temple has nothing to do with and the second respondent Temple has never put up any fence or tin shed etc., as claimed by the petitioner.

6. I have considered the said submissions made by the learned counsel appearing for the parties, especially the learned Standing counsel appearing for the second respondent Temple who asserted that, the second respondent Temple has not encroached upon or interfering with the possession of the petitioner by putting up any fence or tin shed as claimed by the petitioner.

7. When that being so, this Court feels that, recording the said statement made on behalf of the Temple, this Writ Petition can be given a quietus.



8. In that view of the matter, this Writ Petition is disposed of by recording the aforesaid statement on behalf of the second respondent Temple that, the petitioner's property at Town Survey Nos.9 & 11 at Block No.16 Saligramam Village, Mambalam Taluk, Chennai District, has not been occupied or no shed or fence has been put up by the second respondent Temple on the said land, which is claimed to be the land of the petitioner.

9. With these observations, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rap / vji

To

1. The Commissioner,
The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Executive Officer,
Vadapalani Murugan Temple,
Vadapalani, Chennai - 600 026.
3. The Commissioner,
Hindu Religious & Charitable Endowment Board,
Nungambakkam, Chennai - 600 034.
4. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.68745
+1cc to the Government Pleader, S.R.No.69020

W.P. No. 27019 of 2021

PL(CO)
CB(01/02/2022)