



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

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THE HONOURABLE MR.JUSTICE T.RAJA  
and  
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.2273 of 2020

G.Pichandi

...Petitioner

-vs-

1.The District Collector,  
Tiruvallur,  
Tiruvallur District.

2.The Tahsildar,  
Office of the Tahsildar Building,  
Tiruvallur District.

...Respondents

(R2 impleaded as per order dated 19.02.2020  
in WMP.No.4869/2020 in W.P.No.2273/2020)

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 29.11.2019 within a time frame fixed by this Court.

For Petitioner : Mr.A.J.Alwin Prabhakar

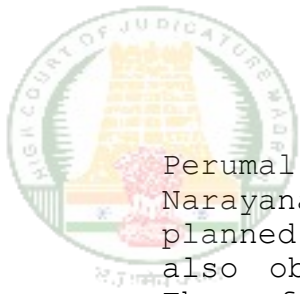
For Respondents : Mr.Karthik Jaganathan  
1 and 2 A.G.P.

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 29.11.2019 within a time frame fixed by this Court.

2. Learned Counsel appearing for the petitioner would submit that the petitioner is the sole owner of the land comprised in Survey No.343/2, City Survey No.2/1 at No.38,



Perumal Koil Street, Avadi in Ward No.1, Block No.63, Narayanapuram, Paruthipattu, Thiruvallur District. When he has planned to put up a residential house in the said land, he has also obtained necessary planning permission and housing loan. Thereafter removing the hut, he has raised a compound wall on the front side of the land and erected wire mesh fencing with stone pillars on the other three sides and he has also dug a bore well in the said land. But some of the unknown persons who are carrying on illegal activities in the nearby temple erected unauthorizedly, have demolished a portion of the compound wall and also damaged the stone pillars as well as the bore well. Therefore, the petitioner preferred complaints before the Avadi Police Station in C.S.R.Nos.3080627 and 3080644 dated 20.01.2008 and 29.01.2008 respectively. Since the illegal activities in the temple land are continuing causing undue inconvenience and nuisance not only to the petitioner but also to the entire locality, he is not able to enjoy his property. Therefore, he has given a detailed representation dated 29.11.2019 to the 1<sup>st</sup> respondent with a request to remove the unauthorized temple structure put up by some unknown persons. Since the same has not been considered, the petitioner is before this Court with this Writ Petition.

3. Mr.Karthik Jaganathan, learned Additional Government Pleader appearing for the respondents 1 and 2 placing on record a Status Report dated 28.03.2022 would submit that the writ petition is liable to be dismissed for the following reasons, namely, firstly, the sketch enclosed along with the Status Report would reveal that the objectionable temple shown in red mark is not forming part of the petitioner's land and it is only a portion of the street which in our opinion cannot be considered as causing any nuisance to anyone including the petitioner. Secondly, the status report also shows that the said temple was constructed 40 years ago. Thirdly, if the petitioner entertains any nuisance or problem from unknown miscreants visiting the said temple during odd hours, he could have given a complaint to the nearby police station to ensure no miscreant is visiting the temple-in-question to cause any public nuisance. But in the affidavit filed in support of the petition, the petitioner has also averred that he has given complaints for which CSRs. have been issued on 20.01.2008 and 29.01.2008 respectively.

4. In view of all the above, we are unable to find any merit in the present Writ Petition. The reason being that when the temple-in-question alleged to have been put up by some unknown persons is not falling within the land belonging to the petitioner and it is far away from the petitioner's land as alleged by the learned Additional Government Pleader for the respondents. Therefore, the request made by the petitioner to demolish the temple is wholly objectionable. Hence, the same is hereby repelled. However, if any miscreants are visiting the



temple-in-question during odd hours, it is for the petitioner to pursue his complaint made on 20.01.2008 and 29.01.2008 respectively before the Avadi Police Station and if the petitioner approaches the nearby police, the police official concerned shall take note of the same and do the needful.

5. With the above observation, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,  
Tiruvallur,  
Tiruvallur District.

2.The Tahsildar,  
Office of the Tahsildar Building,  
Tiruvallur District.

+1cc to Mr.A.J.Alwin Prabhakar, Advocate SR. No. 21827  
+1cc to Government Pleader SR. No. 22223

W.P.No.2273/2020

JPII (CO)  
PR (20/04/2022)