



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8330 of 2022

A.S.Singaravelu

..Petitioner

Vs

1. Union of India,
rep. by the Chief Secretary to Government,
Chief Secretariat, Puducherry-605 001.
2. The District Collector,
Karaikal.
3. The Director,
Local Administration Department,
Puducherry.
4. The Deputy Collector Revenue,
Karaikal.
5. The Commissioner,
Karaikal Municipality, Karaikal.
6. The Deputy Director,
Local Administration Department,
Karaikal.
7. The Member Secretary,
Karaikal Planning Authority,
Karaikal.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to take befitting action for removing the illegal and unauthorized constructions of temples and related structures in public places, roads, pavements side ways by the villagers at Karaikal District within the time limits as fixed by the Hon'ble Court in terms of orders passed by the Hon'ble Supreme Court of India in Special Leave to Appeal (Civil) No.8519 of 2016 dated 18.01.2013 as well as by this Hon'ble Court based on the representation dated 29.12.2021.



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For the Petitioner : Mr.P.Suresh

For the Respondents : Mr.V.Balamurugane
Government Pleader (Pondy)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed to seek a direction on the respondents to remove illegal and unauthorised constructions of the temples and related structures in public places, road, pavements, sideways by the villagers in Karaikal District.

2.Learned counsel for the petitioner submitted that as per the judgment of the Apex Court in Union of India v. State of Gujarat and others [judgment dated 18.1.2013 in Special Leave to Appeal (Civil) No.8519 of 2006], the construction of temples and related structures cannot be made in public places, road, pavements, sideways. The respondents are not complying the directions of the Apex Court and, therefore, construction of temples and related structures is rampant.

3.Referring to the opinion of a Government Advocate, it is stated that though permission sought by Poiyatha Moorthy Vinayagar Temple to construct a canopy was declined, the temple proceeded with the construction on the road side and no action was taken by the respondent authorities and, therefore, the direction in the nature sought in the writ petition may be given.

4.We have considered the submission of learned counsel for the petitioner and perused the records.

5.Apropos the challenge to the construction of temples and religious structures in public places, road, pavements, sideways, etc., alleging it to be in violation of the judgment of the Apex Court in Union of India v. State of Gujarat and others, supra, the petition does not indicate where construction has been raised and it is as vague as it could be.

6.The Apex Court time and again held that a public interest litigation should not be converted into a roving and fishing enquiry and that very high standards of responsibility are expected from a litigant who approaches this Court by filing a public interest litigation. In the case on hand, the averments in the writ petition are vague and no research has been conducted by the petitioner before filing the public interest litigation.

7.The only specific reference given by the petitioner is to



the construction put up by Poiyatha Moorthy Vinayagar Temple, alleged to be without any permission. However, the said temple has not been made a party to the writ petition. Thus, the writ petition suffers from non-joinder of parties. Moreover, it is stated that in reference to the said construction, a case is already pending. Therefore, there is no purpose in multiplying the litigation.

For the reasons aforesaid, the writ petition is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary to Government,
Union of India, Chief Secretariat,
Puducherry-605 001.
 2. The District Collector,
Karaikal.
 3. The Director,
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 4. The Deputy Collector Revenue,
Karaikal.
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Karaikal Municipality, Karaikal.
 6. The Deputy Director,
Local Administration Department,
Karaikal.
 7. The Member Secretary,
Karaikal Planning Authority,
Karaikal.
- +lcc to the Government Pleader, S.R.No.23689

W.P.No.8330 of 2022

SVI(CO)
RGA(13/04/2022)