



W.P.No.32940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Thiru C.Balaji

..

Petitioner

v.

The Regional Deputy Commissioner (North)

Greater Chennai Corporation

Basin Bridge Road

Basin Bridge

Chidambaram Nagar

Chennai 600 001

..

Respondent

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent not to demolish the Kubera Ganapathi Temple situated in the private Patta No.260, Moorthi Nagar Main Road, Kathirvedu, Chennai 600 066.



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For Petitioner :: Mr.G.Mutharasu
For Respondent :: Mr.J.Ravindran
 Additional Advocate General
 assisted by
 Mr.D.B.R.Prabhu
 Standing Counsel

ORDER

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

Mr.C.Balaji, S/o N.Chandrababu, claiming to be a resident of Moorthi Nagar Main Road, Kathirvedu, Chennai, states that he is residing in the said area for the past 15 years. There is a Kubera Ganapathi temple situated in the private land bearing Patta No.260, Moorthi Nagar Main Road, Kathirvedu, Chennai constructed by the residents before 150 years. Therefore, the question of getting approval to construct a temple does not arise. It is also claimed that the Moorthi Nagar Welfare Association has renovated the said temple and maintaining the same till date and more than 300 people are worshipping the deity. But the petitioner received a notice dated 18.10.2021 from the respondent calling upon him to remove the obstruction. Therefore, he went to the respondent's office and orally



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explained that there is no encroachment. A detailed representation dated 18.11.2022 was also presented to the respondent with a request to drop further proceedings including not to demolish the said Kubera Ganapathi temple. The explanation given by the petitioner, if accepted, there would not be any apprehension. Therefore, a direction may be given to consider the representation.

2. Mr.J.Ravindran, learned Additional Advocate General appearing for the respondent submitted that the representation given to the respondent pursuant to the notice dated 18.10.2021 would be religiously looked into and if the revenue record discloses that there is encroachment, action would be taken.

3. In view thereof, we direct the respondent to consider the representation of the petitioner dated 18.11.2022 on merits and do the needful as per law, if the revenue record discloses that any encroachment has been made. With this observation, the writ petition stands disposed of.



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There is no order as to costs.

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Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

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SS

To

1. The Regional Deputy Commissioner (North)
Greater Chennai Corporation
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

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