



W.P.No.3456 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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G.Deva

.. Petitioner

Vs

- 1 The District Collector
Chennai District
Chennai- 600 001.
- 2 The Commissioner
Greater Chennai Corporation
Ripon Buildings, E.V.R.Road
Chennai - 600 003.
- 3 The Tahsildar
Mambalam Taluk
Chennai - 600 078.
- 4 The Joint Commissioner
Chennai Zone -II
HR and CE Department
130, Ramakrishna Madam Road
Mylapore, Chennai - 600 004.



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5 The Executive Officer
Arulmigu Sakthi Vinayagar Tirukovil
PT Rajan Street, K.K.Nagar
Chennai- 600 078.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to conduct inspection and to take appropriate legal action to remove the encroachments in the Temple Tank of Varasiththi Vinayagar Temple measuring about 1 Acre situated at Pillayar koil Street, Ward 130, Vadapalani in Kodambakkam Zone, Chennai, Old Survey No. 178 of Saligramam Village, Mambalam Taluk, Chennai District and the encroachments in the 15 feet Road leading to the Temple Tank by considering the petitioner's representation dated 20.12.2022.

For the Petitioner : Mr.R.Jayaprakash

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 and 3

: Mr.A.Arun Babu
Standing Counsel
for the 2nd respondent

: Mr.N.R.R.Arun Natarajan
Special Government Pleader
for respondents 4 and 5

ORDER

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

G.Deva, son of Gurupadham, a resident of Vadapalani, Chennai,
has filed this writ petition seeking issuance of a writ of mandamus



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directing respondents 1 to 5 to conduct inspection and to take appropriate legal action to remove the encroachments in the Temple Tank of Varasiththi Vinayagar Temple measuring about 1 Acre situated at Pillayar Koil Street, Ward 130, Vadapalani in Kodambakkam Zone, Chennai, Old Survey No. 178 of Saligramam Village, Mambalam Taluk, Chennai District and the encroachments in the 15 feet Road leading to the Temple Tank by considering the petitioner's representation dated 20.12.2022.

2. Mr.R.Jayaprakash, learned counsel appearing on behalf of the petitioner, would submit that the temple tank in Old Survey No. 178 of Saligramam Village, Mambalam Taluk and the 15 feet road leading to the temple tank have been completely encroached. The petitioner sent a representation to the respondent authorities on 20.12.2022 seeking removal of the encroachments. Since the said representation did not evoke any response, the petitioner has been advised to file the present writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader



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appearing on behalf of respondents 1 and 3, submitted that the second respondent is the competent authority to consider the grievance of the petitioner and, if six weeks' time is granted, the second respondent will conduct a survey of the land in question and thereafter remove the encroachments after giving notice to the encroachers.

4. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to the second respondent to conduct a survey of the land in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after issuing notice to the encroachers. The entire exercise is to be completed within a period of six weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
08.02.2023

Index : No
Neutral Citation : No
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THE HON'BLE ACTING CHIEF JUSTICE
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