



WP No.16406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.16406 of 2023
and WMP No.15776 of 2023

A.Ramesh

.. Petitioner

-VS-

1. Managing Director,
Tamilnadu Housing Board,
493, Anna Salai, Nandanam,
Chennai – 35.
2. Assistant Director,
Town and Country Planning,
Office of the Collectorate, Salem.
3. District Collector,
Salem, Salem District.
4. Revenue Divisional Officer,
Sankari Taluk, Salem District.
5. Tahsildhar,
Sankari Taluk, Salem District.
6. Block Development Officer,
Sankari Panchayat Union,
Salem District.



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7. Executive Officer,
Selection Grade Town Panchayat,
Sankari, Salem District.

8. The President,
Morur West Village Panchayat,
Sankari Taluk, Salem District.

9. Palaniyappan

10. Panner Selvam

11. Ramasamy

(RR 9 to 11 impleaded vide order

dt.02.08.2023 made in WMP.19730/2023)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to take action against the illegal construction being made in the children's park area in the TNHB layout formed in survey no.93/3 and to remove the encroachment immediately.

For the Petitioner : Mr.R.Govindasamy

For the Respondents : Mr.D.Veerasekaran for R-1
: Mrs.R.Anitha,
Special Government Pleader,
for RR 2 to 8
: Mr.R.Marudhachalamurthy for R-11
: No appearance for RR 9 and 10
* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Govindasamy, learned counsel for the petitioner, Mr.D.Veerasekaran, learned counsel for respondent No.1,



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Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.2 to 8 and Mr.R.Marudhachalamurthy, learned counsel for respondent No.11. None appears for respondent Nos.9 and 10.

2. The learned counsel for the petitioner submits that on an area reserved for park, temple is being constructed by the private respondents.

3. Counter-affidavit is filed by the eighth respondent. It is stated that after receiving the complaint/representation from the petitioner, the construction of the temple has been stopped on 30.05.2023 and the survey is being conducted. The survey is in process. The representation of the petitioner dated 16.05.2023 is still under consideration and suitable remedial action will be taken on the representation as per law. It is further submitted that the petitioner has also illegally constructed a temple in a public place without approval or concurrence. The State authority is also entitled to take action against the unauthorised construction if made by the petitioner.



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With the aforesaid observation, the writ petition is disposed of.

There will be no order as to costs. Consequently, W.M.P.No.15776 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sra

To

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6. Block Development Officer,
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AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

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