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W.P.No.13628 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.13628 of 2017

Arulmigu Azhagiya Manavala Perumal Thirukoil,
Rep.by its Executive Officer,
Sivabootham, Vanagaram,
Chennai – 600 095.

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Park Town, Chennai – 600 003.

2.The Executive Engineer,
Corporation of Chennai – Zone XI,
Valasaravakkam, Chennai – 600 087.

3.The Assistant Engineer,
Corporation of Chennai – Zone XI,
Valasaravakkam,
Chennai – 600 087.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to remove or demolish the storm water drain in the land in S.No.96 measuring around 2.02 acres in Vanagaram Village, Chennai – 600 095.

For Petitioner : Mr. S. Surya
for M/S.A.S.Kailasam and Associates
For Respondents : Mrs. P.T.Ramadevi, Standing Counsel



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ORDER

The writ petition has been filed for the issue of writ of mandamus directing the respondents to remove or demolish the storm water drain in land in S.No.96 measuring around 2.02 acres in Vanagaram Village, Chennai.

2. It is the contention of the petitioner that the property belongs to the temple and without any notice whatsoever the respondents have constructed storm water drainage in the property.

3. Learned Standing Counsel for the respondents submits that only at the edge of the temple property, the storm water drainage has been constructed, after informing the executive officer. The construction was over in the year 2017. The storm water drainage has been constructed in a land having 1000 sq.ft approximately and it is being used for public convenience.

4. This Court has perused the entire materials available on record.

5. As the storm water drainage has been constructed in the year 2017, only at the edge of the temple property and no substantial encroachment has been made. The small extent, approximately around 1000 sq.ft alone has been utilised with the



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Government funds and utilised for a public purpose, this Court is of the view that removing such drainage will cause much inconvenience to the neighbors and others.

In such view of the matter, as no substantial damage is caused to the temple, there cannot be any direction to the respondents to remove the existing storm water drainage. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

31.01.2023

Index :Yes/No

Speaking Order / Non-Speaking Order

AT

To

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N.SATHISH KUMAR, J.

AT

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