



W.P(MD)No.1768 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1768 of 2015

and

M.P(MD)No.1 of 2015

Mr.Thamban

... Petitioner

Vs

1.The Commissioner,
Dindigul Corporation,
Dindigul.

2.Mr.Raja

3.Mr.Nandagopal

4.Mr.Nataraja Pillai

5.Mr.Rajasekar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to remove the encroachment in public road located in T.S.No.317/2,321/1 of Dindigul Town and to forbear the respondents 2 to 5 from further encroaching the public road in T.S.No.317/2,321/1 of Dindigul Town.

For Petitioner : Mr.S.Anand Chandrasekar
for Sarvabhauman Associates



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For R1 : Mr.J.Lawrence

For R2 to R5 : Mr.R.Sreenivasan

ORDER

Heard the learned counsel on either side.

2. The writ petitioner alleges that the private respondents herein have raised an unauthorized construction to house the idol of Lord Vinayagar and in the process they committed encroachment on the petition mentioned public road. The Dindigul Corporation has filed counter affidavit and the Corporation Commissioner has broadly accepted the petitioner's allegations. He claims that steps have been taken to remove the encroachment by due process of law.

3. It is a common sight to find idols of Lord Vinayagar underneath Ficus trees (Arasa Maram). The issue arises when unauthorized constructions are put up and encroachments are committed.

4. In the affidavit filed in support of the writ petition itself it has been fairly stated that Lord Vinayagar idol has been there for more than 50 years. The idol can very well remain. But in the guise of housing the idol, encroachment cannot be permitted. The first respondent is directed to clear the encroachments on the public road.



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5. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

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