



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.34370 of 2019

and

W.M.P.No.35036 of 2019

M.Shanmugam

... Petitioner

Vs.

1.The District Collector,
Villupuram District Collectorate,
Villupuram,
Villupuram District.

2.The Commissioner,
Villupuram Municipality,
Villupuram.

3.A/m Mariamman Koil,
Rep. by its Poosari Mr.Moorthy,
Fathima Lay-out, Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direction to the respondents to remove the encroachment of Mariamman Koil compound wall and Mariamman Koil



W.P.No.34370 of

situated in the center of the public Road, Fathima Layout, Villupuram.

For Petitioner	: Mr.G.Ramadurai
For R1	: Mr.A.Selvendran Special Government Pleader
For R2	: Mr.P.Srinivas
For R3	: Not Ready in Notice

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The writ of mandamus has been instituted to direct the respondents to remove the encroachment of Mariamman Koil compound wall and said temple situated in the center of the public Road, Fathima Layout, Villupuram.

2. The learned counsel for the petitioner would submit that as per the layout, the subject land is the public road. Abutting the public road, originally a small temple was constructed and some greedy men are developing the temple causing complete obstruction to the people of that locality for free usage of public road.



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3. The photographs furnished before this Court would reveal that the Temple expansion is causing obstruction to have free access of road to the people of that locality. It is needless to state that all public roads are to be maintained free from encroachments. Whether it is temple or commercial establishment or conventional buildings etc. If such constructions are made on the public road, it is to be removed by following the procedures as contemplated under the relevant Statutes and Rules in force.

4. In view of the fact that the allegations are serious in nature, the respondents 1 and 2 are directed to identify the road encroachments in entirety and issue notice and remove the encroachments including the temple encroachments by following the procedures as contemplated. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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[S.M.S., J.] [K.R.S., J.]
18.03.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

To

1.The District Collector,
Villupuram District Collectorate,
Villupuram,
Villupuram District.

2.The Commissioner,
Villupuram Municipality,
Villupuram.



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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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