



WEB COPY



W.P.No.21237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.21237 of 2024

S.Senthilkumar

... Petitioner

-VS-

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.
4. The Tahsildar,
Dharmapuri Taluk Office,
Dharmapuri.
5. The Commissioner,
Dharmapuri Municipality,
Dharmapuri.
6. Damodran
7. Sivasankaran

... Respondents



W.P.No.21 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachment and illegal construction of Vinayagar Temple made by the respondents 6 and 7 in the public road of T.S.No.C/8/235, Sithaveerapa Chetty Street, Dharmapuri Town based on the representation dated 16.04.2024 and 11.05.2024 made by the petitioner and by the public.

For Petitioner : Mr.V.Elangovan
For R1 to R4 : Mr.A.Edwin Prabhakar
State Government Pleader
For R5 : Mr.B.Anand, Standing Counsel

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a direction to the respondents 1 to 5 to remove the illegal encroachment and illegal construction of Vinayagar Temple made by the respondents 6 and 7 in the public road of T.S.No.C/8/235, Sithaveerapa Chetty Street, Dharmapuri Town based on the representation dated 16.04.2024 and 11.05.2024 made by the petitioner and by the public.

2. Mr.A.Edwin Prabhakar, learned State Government Pleader takes notice for R1 to R4. Mr.B.Anand, learned Standing Counsel takes notice for R5. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.



W.P.No.21 of 2021

3. It is the case of the petitioner that the public road in T.S.No.C/8/235 to an extent of 0.0818.0 acres at Sithaveerapa Chetty Street, Dharmapuri Town belongs to the Municipality and the respondents 6 and 7, claiming themselves to be administrators of a small Vinayakar Temple, encroached the corner of the street and caused hindrance to the movement of the public and free flow of traffic. The representations submitted by the petitioner as well as general public for removal of the Temple did not evoke any response, which forced him to file the instant Writ Petition.

4. Learned Standing Counsel appearing for the Municipality stated before this Court that the representation of the petitioner will be considered by the Municipality and if any additional construction obstructing the road is found, suitable action will be taken for removal of the additional construction, namely, Temple.

5. Recording the submission made by the learned Standing Counsel for the Municipality, this Court, without going into the merits of the matter, directs the Officials of the 5th respondent / Municipality to inspect the area in question within a period of two weeks from the date of receipt of a copy of this order and in case of any unauthorized additional construction found therein, necessary action shall be taken for removal of the same in the manner known to law, within a period of twelve weeks thereafter, of course, after affording an opportunity of hearing to the parties concerned.



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HON'BLE ACTING CHIEF JUSTICE

AND

K.KUMARESH BABU,J.,

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With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,ACJ.]

[K.B.,J.]

29.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Revenue Divisional Officer,
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4. The Tahsildar,
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5. The Commissioner,
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