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WP No. 27933 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 27933 of 2025

AND

WMP NO. 31314 OF 2025

1. K.Ganesan

S/o. Late Krishnamoorthy, No. 9

Subbarayan Salai, Mylapore, Chennai

600 004.

Petitioner(s)

Vs

1. The Member Secretary

Of Cmnda , Gandhi Irwin Road,

Egmore, Chennai 600 008.

2.The Commissioner

Corporation Of Chennai, Chennai 600

003.

3.The Assistant Executive Engineer

Unit No. 25 No. 1 South Madas

Treet, Chitrakulam, Mylapore,

Chennai

4.The Assitant Engineer

Zone 9 Ward No. 123 29c Ramasamy

Roasd, Mylapore Chennai 600 004.



5.S Karthik

1/10 Marwadi Thotam, Dr Subbarayan

Salai, Mylapore Chennai

6.Sathis Kumar E

1/10 Marwad Thotam, Dr Subbarayan

Salai, Mylapore

7.S Suresh

1/10 Marwadi Thottam, Dr Subarayan

Salai, Mylapore Chennai 600 004.

8.C Nadarajan

1/10 Marwadi Thotam, Dr Subbarayan

Salai, Mylapore Chennai

9.P Manikandan

1/10.Marwadi Thotam, Dr Subbarayan

Salai, Mylapore Chennai

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus Directing the respondents 1 to 4 for removal of un authorized mandapam and huge idol installed in front of the Mandapam on the public road within a time frame as fixed by this Honourable Court and pass. appropriate order or orders as this Honourable court may deem fit and proper in the circumstance of the case.

For Petitioner(s): Mr.A.V.Arun

For Respondents: Mr.R.Thamaraiselvan, Standing counsel for
R1 ; Mr.D.B.R.Prabhu, Standing counsel for
RR 2 to 4



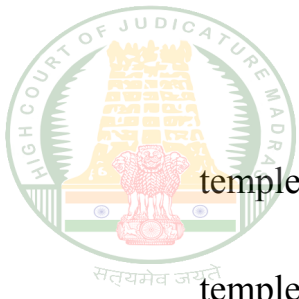
ORDER

(1) Mr.R.Thamaraiselvan, learned Standing counsel accepts notice on behalf of the 1st respondent and Mr.D.B.R.Prabhu, learned Standing counsel accepts notice on behalf of the respondents 2 to 4. With the consent of the learned counsels on either side, the main writ petition itself is taken up for final disposal at the admission stage.

(2) Notice to the private respondents is dispensed with as no adverse order is passed against them.

(3) The above writ petition is filed by the petitioner for a mandamus directing the respondents 1 to 4 to remove the unauthorized mandapam and huge idol installed in front of the mandapam on the public road within a time frame to be fixed by this Court.

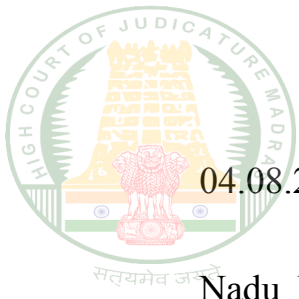
(4) The petitioner states that he is a resident of Door No.9, Dr.Subbarayan Salai, Mylapore, Chennai-600 004. The petitioner states that initially, there was a small temple building at the end of Marvadi Thottam, a dead end street, adjoining Dr.Subbarayan Salai. The petitioner further states that initially the



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temple was not causing any disturbance or hindrance, but over the years, the temple was extended unlawfully using public funds. The petitioner states that at present, the temple encroaches 25 feet of public road. The petitioner submitted multiple representations to the authorities to take preventive or corrective measures, but, there was no response. The petitioner therefore, submitted a formal representation on 06.05.2025, urging the official respondents to remove the encroachment. The petitioner further states that the 3rd respondent, pursuant to the petitioner's representation, directed the 4th respondent to investigate into the matter. Following the investigation, the 1st respondent issued a Directive on 27.05.2025, to the other official respondents to take enforcement action under CMDA powers and under the Madras City Municipal Corporation Act, 1919. However, no meaningful action was taken and the Temple Committee continued its construction, thereby obstructing the petitioner's ingress and egress to his house. The petitioner was therefore constrained to file the above writ petition for the aforesaid relief.

(5) The learned counsel for the petitioner produced a copy of the Notice dated



04.08.2025 issued by the official respondents under Section 128 of the Tamil

Nadu Urban Local Bodies Act, 1998, and prayed that the respondents be

directed to remove the encroachment in pursuant to the said notice.

(6) Heard the learned counsels on either side and also perused the materials placed on record.

(7) Under the facts and circumstances of the case and in view of the fact that the official respondents have already initiated action by issuing Notice under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, a direction is issued to the 3rd respondent to take the Notice dated 04.08.2025 issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, to logical end.

(8) The writ petition is **disposed of with the above direction.** No costs.

Consequently, connected miscellaneous petition is closed.

11-08-2025

AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Chennai 600 008.

2.The Commissioner
Corporation Of Chennai, Chennai 600 003.

3.The Assistant Executive Engineer
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Chitrakulam, Mylapore, Chennai

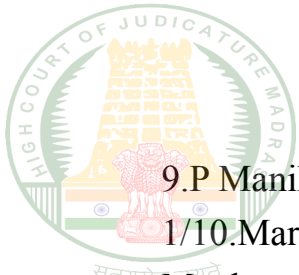
4.The Assitant Engineer
Zone 9 Ward No. 123 29c Ramasamy Roasd,
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Myalpore Chennai

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N.MALA J.

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