

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Seventh day of November Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.SATHYANARAYANAN

and

THE HON`BLE MR JUSTICE N.SESHASAYEE

WP No.31404 of 2019

and WMP.No.31576 of 2019

M.KANNADASAN,

[PETITIONER]

Vs

1 THE CHIEF SECRETARY,
STATE OF TAMIL NADU, SECRETARIAT,
CHENNAI 600 009. [RESPONDENTS]

2 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, STATE OF TAMIL
NADU, SECRETARIAT, CHENNAI 600 009.

3 THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC (LAW AND ORDER)
DEPARTMENT, STATE OF TAMIL NADU, SECRETARIAT,
CHENNAI 600 009.

4 THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, STATE
OF TAMIL NADU, SECRETARIAT, CHENNAI 600 009.

5 THE PRINCIPAL SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND
WATER SUPPLY DEPARTMENT, STATE OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009.

6 THE PRINCIPAL SECRETARY TO GOVERNMENT,
STATE HIGHWAYS DEPARTMENT, STATE
OF TAMIL NADU, SECRETARIAT, CHENNAI 600 009.

7 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPARTMENT, STATE OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009.

8 THE CHAIRMAN CUM MANAGING DIRECTOR,
10TH FLOOR NPKRR MAALIGAI, TAMIL
NADU GENERATION AND DISTRIBUTION CORPORATION
LTD., (TANGEDCO), 144, ANNA SALAI,
CHENNAI -2.

Writ Petitions and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) issue a writ of mandamus or order or direction in the nature of a writ directing the respondents to implement the directions issued by the Honourable Supreme Court in Special Leave to appeal (Civil) No.(s)No.8519 of 2006 as well as this Honbournable court in W.P.No.3298 of 2010 and identify unauthorized construction of any nature such as Temples, Churches, Mosques and other constructions encroaching public streets, public parks, public lands, Government Poramboke lands, water bodies, Water resources, public roads and Government offices and to remove the same and to retain in its lands, original position (in WP.No.31404/2019)and

(ii) Pass an order of interim injunction restraining the respondents from permitting any new construction or in the name of renovation of religious nature such as Temples, Churches, Mosques and any other constructions encroaching public streets, public parks, public lands, Government Poramboke lands, water bodies, water resources, public roads and government offices (in WMP.No.31576/2019) pending disposal of the above WP.No.31404/2019 respectively.

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.S.DORAISWAMY, Advocate for the petitioner in both the petitions, and of M/S.V.JAYAPRAKASH NARAYANAN, Special Government Pleader taking notice on behalf of respondents 1 to 6 in both the petitions and of MR.M.MAHARAJA, Special Government Pleader taking for HR & CE accepts notice on behalf of respondent No.7 in both the petitions the Court made the following order:-

(Order of the Court was made by **M. SATHYANARAYANAN, J.,**)

This writ petition is styled as a Public Interest Litigation filed by the President of Kanchipuram District, Thanthai Periyar Dravidar Kazhagam, which is a non-political organization and stating among other things that the encroachment is an illegal Act and it can never be approved or allowed and even a deity, as a legal person, cannot commit an act of encroachment and pointing out there are very many unauthorized religious structure by people professing faith in all major religions, had filed his writ petition praying for removal of such encroachment in the light of the orders of the Hon'ble Supreme Court of India dated

29.09.2009 and 31.10.2018 in Special Leave to Appeal (Civil) No.8519 of 2006.

2. Mr.S.Doraiswamy, learned counsel appearing for the petitioner has also invited the attention of this Court to the letter of the third respondent dated 22.04.2010, bearing Letter No.15844/A/2010-1.

3. The learned counsel appearing for the petitioner would submit that a petition for impleadment to implead such other entities, who may have control/administration in respect of religious structures, as parties in this writ petition.

4. Notice of motion returnable on 06.12.2019. Private notice are also permitted. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepts notice on behalf of respondents 1 to 6 and Mr.M.Maharaja, learned Special Government Pleader for HR & CE accepts notice on behalf of respondent No.7.

5. Call on 06.12.2019. Counter of the respondents by then.

-sd/-

07/11/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

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STATE OF TAMIL NADU, SECRETARIAT,
CHENNAI 600 009.

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CHENNAI - 2.

C.C. to M/S.S.DORAISWAMY Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order

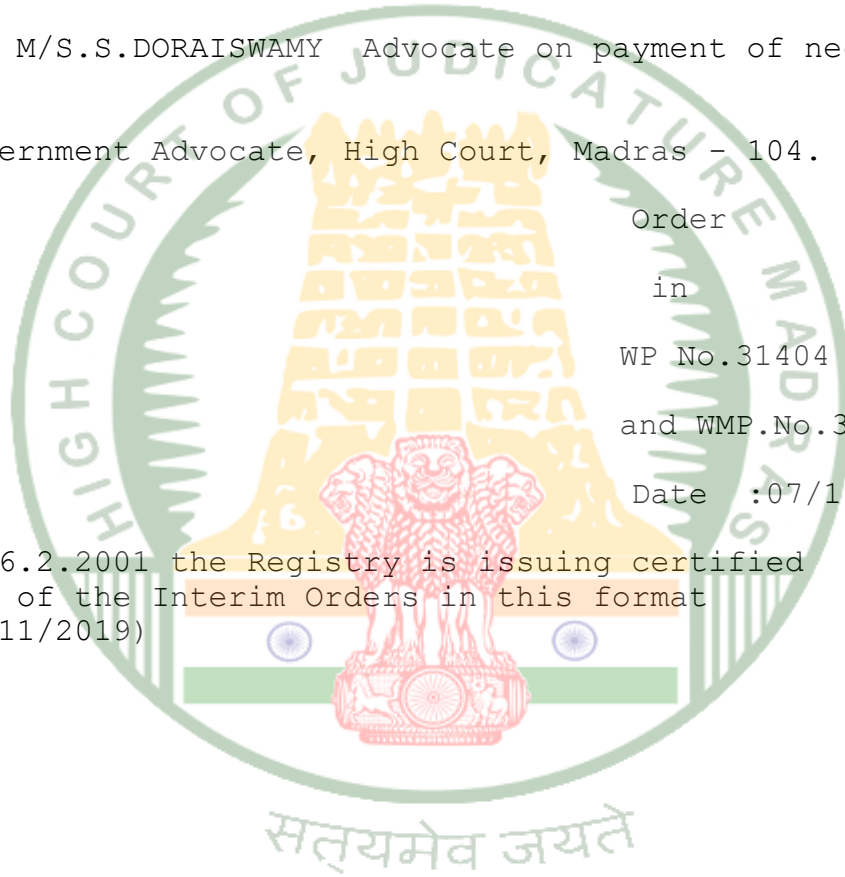
in

WP No.31404 of 2019

and WMP.No.31576 of 2019

Date :07/11/2019

From 26.2.2001 the Registry is issuing certified
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KP(22/11/2019)



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