

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.35546 of 2019
and
W.M.P.No.36397 of 2019

The Diocese of Chengalpet
represented by
Rev.Fr M.Immanuvel Raj
Property Administrator (St.Thomas Mount Hill),
Diocese of Chingleput,
Kancheepuram Road,
Thimmavaram, Chengalput - 603101. Petitioner

Vs

1.The Chief Executive Officer,
Office of the Cantonment Board,
St.Thomas Mount, Chennai.
2.Srinivasan
3.Rudramurthy Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing first respondent to take necessary action against respondents 2 and 3 and to stop illegal demolition and re-construction at Block No.39, Door No.144 in S.No.1946, Mangaliamman Koil Street, St.Thomas Mount, Chennai and Block No.42, Door No.4/50 in S.No.1946, Mangaliamman Koil Street, St.Thomas Mount, Chennai.

For Petitioner : Ms.G.Selvi George

For Respondents: Mr.C.Mohan for M/s.King & Partridge
[R1]

Mrs.Sheikh Mehrunisha [R2]

Mr.R.Chandramohan [R3]

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus directing first respondent to take necessary action against respondents 2 and 3 and to stop illegal demolition and re-construction at Block No.39, Door No.144 in S.No.1946, Mangaliamman Koil Street, St.Thomas Mount, Chennai and Block No.42, Door No.4/50 in S.No.1946, Mangaliamman Koil Street, St.Thomas Mount, Chennai.

2. Heard learned counsel for petitioner and learned counsel appearing for respondents.

3. Learned counsel for petitioner submits that the petitioner society is a duly registered society registered under the Tamil Nadu Society's Registration Act, 1975. The petitioner society owns immovable properties in and around Kancheepuram District. Originally, the subject properties were in the name of Arch Diocese of Madras Mylapore. Thereafter, the land along with original title deeds have been handed over to petitioner by the Arch Diocese of Madras, Mylapore, as per the book transfer proceedings dated 16.10.2002. Petitioner is in absolute possession and enjoyment of the properties situated at St.Thomas Mount. The grievance of the petitioner is that respondents 2 and 3, who are not owners of the church property, are trying to put up construction without obtaining permission from the petitioner. In this regard, petitioner sent a representation dated 10.12.2019 to first respondent. Since no action was taken, the present Writ Petition has been filed seeking the aforesaid relief.

4. Though the third respondent has filed a detailed counter denying the allegations made in the affidavit filed in support of the Writ Petition, learned counsel for first respondent has produced documents to establish that action has been initiated against respondents 2 and 3.

5. In the aforesaid circumstance, nothing survives for further adjudication in the matter. However, if there is any title dispute between parties, they can approach the civil Court.

Accordingly, the Writ Petition is closed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

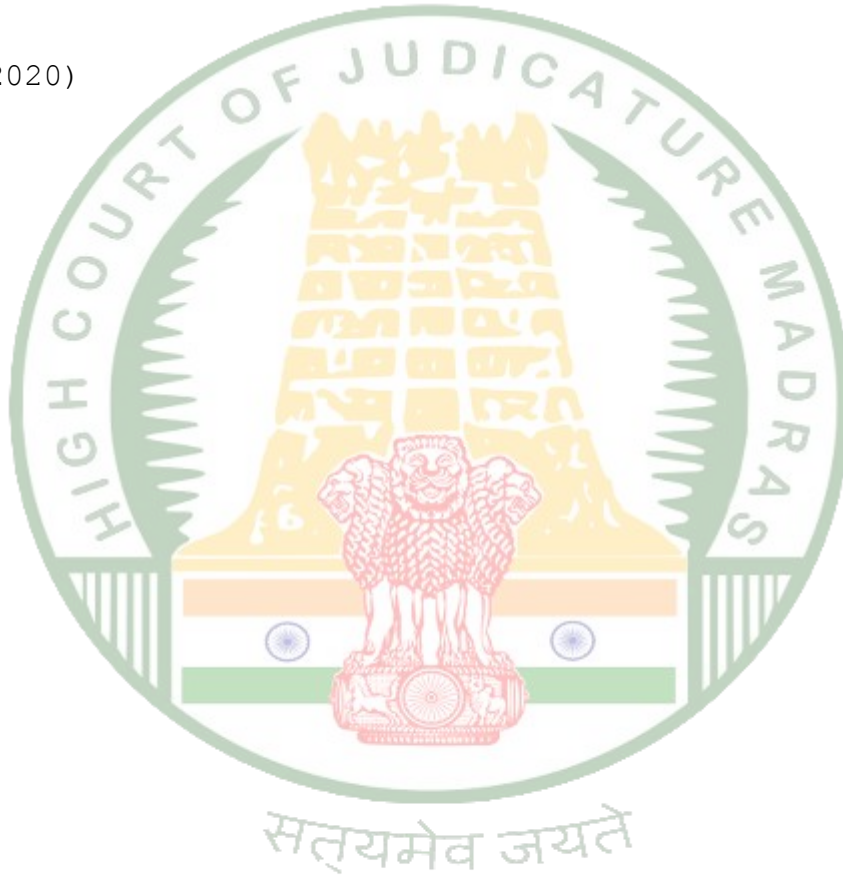
To

The Chief Executive Officer,
Office of the Cantonment Board,
st.Thomas Mount, Chennai.

+1cc to Ms.G.Selvi George, Advocate SR.1800
+1cc to M/s.King & Partridge, Advocaes SR.1875
+1cc to Mr.R.Chandramohan, Advocate SR.1765

Writ Petition No.35546 of 2019

MP (CO)
CB(13/02/2020)



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