



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.1.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.945 of 2021

& WMP.No.1032 of 2021

E.Palani

... Petitioner

Vs

- 1.The Principal Secretary, Rural
Development and Panchayat Raj
Department, Fort St. George,
Chennai 600 009.
- 2.The Principal Secretary, Housing
and Urban Development Dept.,
Fort St. George, Chennai 600 009.
- 3.The Member Secretary, Chennai
Metropolitan Development Authority,
Gandhi Irwin Road, Thalamuthu
Natarasan Maaligai, Egmore,
Chennai 600 008.
- 4.The Commissioner, Corporation
of Chennai, Ripon Building,
Chennai 600 003.
- 5.The Commissioner, Hindu Religious
and Charitable Endowments
Department, 19, Uthamar
Gandhi Salai, Thousand Lights
West, Nungambakkam,
Chennai 600 034.





WEB COPY

15.The Endowment Officer,
Sri Sorna Malleeswarar Temple
and Chennai Kesava Perumal Temple,
Devaraj Mudali Street, Chennai 600 003.

16.Ravi Shankar Raja

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for issue of Writ of Mandamus to direct the respondents in particular 3rd and 4th respondents to initiate action on the petitioner's representation dated 07.06.2019 to demolish the unauthorized constructions of the building situated at No.2-A, Nainiappa Naicken Street, George Town, Chennai 600 003, comprised in Ward No.59, Zone-V of Greater Chennai Corporation and to evict any encroachments and illegal constructions in and around the "Sri Sorna Malleeswarar Temple and Chennai Kesava Perumal Temple".

For Petitioner : No appearance

For Respondents

Mrs.R.Anitha,
Special Government Pleader
for R1, R2, R7 and R11

Mr.T.Chandrasekaran,
Special Government Pleader
for R5

Mr.D.R.Sivakumar for R15

Mrs.Karthika Ashok,
Standing Counsel for R3,
R4, R10 and R12 to 14

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed seeking a direction to respondents to demolish the unauthorized construction by the 15th respondent temple and nearby. The prayer is also to withdraw electricity and water supply and sewerage connection to the unauthorized construction.



2. The learned Standing Counsel appearing for the respondent Corporation submits that the land on which the construction has been made belongs to the temple itself. The allegation of encroachments in the land in question is denied. It is further submitted that renovation was undertaken in the temple and the respondent Corporation initiated action against them. The temple filed a writ petition in W.P.No.35921 of 2015 before this Court. The said writ petition was allowed by the First Bench of this Court by order dated 03.1.2017 wherein it was recorded that the building was under renovation, however, without planning permission and that no new construction had been made. Therefore, a direction was given to the respondent Corporation to inform the temple as to what would be the requirement to be fulfilled for renovation of the building and upon furnishing such information, the temple should take necessary steps to fulfill their obligations within a month thereafter.

3. The temple was required to fulfill the formalities so as to take action under Section 113 of the Tamil Nadu Town and Country Planning Act. In any case, the allegation of encroachment has been specifically denied by the learned Standing Counsel appearing for the respondent Corporation. Rather, according to her, the land belongs to the temple.

4. None appears for the petitioner despite the case being called for the second time.

5. In view of the said submissions made by the learned Standing Counsel for the respondent Corporation, we are of the view that there is no purpose in keeping the writ petition pending by giving further time to the petitioner, as, according to the learned Standing Counsel appearing for the respondent - Corporation, the land belongs to the temple and while they were undertaking a renovation work, action was initiated and that was challenged before this Court by filing W.P.No.35921 of 2015. It came to be allowed by order dated 03.1.2017 by the First Bench of this Court wherein it was found that for the renovation work, no planning permission was obtained by the temple. Further, a direction was given to the respondent Corporation to intimate to the petitioner as to the required formalities to be undertaken by the temple for renovation of the building. In view of the above, a case of encroachment is not made out so as to direct the respondents for demolition of the building or disconnection of electricity and water supply.



6. The writ petition is disposed of with a direction to the respondent Corporation to proceed further in the matter as per the provisions of law and as directed by this Court in the earlier writ petition filed by the temple. The temple shall take necessary steps to seek necessary approval for the planning permission for the building for which renovation was undertaken, within a period of one month from the date of receipt of a copy of this order.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

To:

- 1.The Principal Secretary, Rural
Development and Panchayat Raj
Department, Fort St. George,
Chennai 600 009.
- 2.The Principal Secretary, Housing
and Urban Development Dept.,
Fort St. George,
Chennai 600 009.
- 3.The Member Secretary, Chennai
Metropolitan Development Authority,
Gandhi Irwin Road, Thalamuthu
Natarasan Maaligai, Egmore,
Chennai 600 008.
- 4.The Commissioner, Corporation
of Chennai, Ripon Building,
Chennai 600 003.
- 5.The Commissioner, Hindu Religious
and Charitable Endowments
Department, 19, Uthamar
Gandhi Salai, Thousand Lights
West, Nungambakkam,
Chennai 600 034.





15. The Endowment Officer,
Sri Sorna Malleeswarar Temple
and Chennai Kesava Perumal Temple,
Devaraj Mudali Street,
Chennai 600 003.

+1cc to the Government Pleader Sr.3359

+1cc to the Special Government Pleader Sr.3499 [27/01/2022]

W.P.No.945 of 2021 &

WMP.No.1032 of 2021

sr-ii[col]

srg 24/01/2022