



W.P.Nos.18094, 18095, 18096, 18097, 18098, 18214,18215 and 22713 of 2016 and
W.M.P.Nos.15863, 15864, 15865, 15961, 15962 and 19408 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.18094, 18095, 18096, 18097, 18098,
18214,18215 and 22713 of 2016 and
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W.P.No.18094 of 2016

Arulmigu Thiruvalleeswarar Temple
Rep by its Executive Officer
Padi,
Chennai 600050

... Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai
Park Town,
Chennai 600003.
2. The Assistant Commissioner
Corporation of Chennai-Zone VII
M.T.H.Road, Ambattur,
Chennai 600053
3. Lakshmi Ammal



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4. S. Murali

... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus a writ, order or direction in the nature of a writ, directing the 1st and 2nd Respondents to take suitable action in respect of the illegal construction being made by the 3rd Respondent on land bearing Door No.64, Appar Street, Thiruvalléeswarar Nagar, Padi, Chennai 600050.

For Petitioner : Mr.A.K. Sriram
for M/s.A.S. Kailasam and Associates

For Respondents : Mrs.P.T. Ramadevi [for R1 to R2]

No appearance [for R3]

Mr. G. Saravanakumar [for R4]

COMMON ORDER

These writ petitions have been filed to to issue Writ of Mandamus, directing the 1st and 2nd Respondents to take suitable action in respect of the illegal construction being made by the 3rd Respondent on land bearing Door No.64, Appar Street, Thiruvalléeswarar Nagar, Padi, Chennai 600050.

2. It is the only grievance of the Petitioner that the 3rd Respondent being a tenant, demolished the construction and building of the temple and



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reconstructed without obtaining prior permission from the Corporation.

Therefore, sought action against them for violating the building rules.

3. Heard the learned counsel appearing for the Respondents.

4. The affidavit filed by the Petitioner would indicate that the Temple has already initiated proceedings under Section 78 of the Hindu Religious and Charitable Endowment Act for eviction of the tenants. That apart they have also started the legal action and complaint also given to the police. It is stated that more than 5 suits are filed by the tenants against the temple which are pending before the District Munsif Court, Ambattur in O.S.Nos.246/2015, 230/1018, 10/2019, 373/2019 and 216/2021, which is not disputed by both sides.

5. Apart from Civil Suits, proceedings under Section 78 of the H.R. & C.E. Act also initiated by the Temple, the Hindu Religious and Charitable Endowment Board to take appropriate action on the basis of the order that may be passed under Section 78 of the H.R.&C.E.Act for eviction of the



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tenancy. As separate proceedings under Section 78 of the Act is also initiated as per the affidavit, this Court is of the view that no direction is required to the 1st and 2nd Respondents. The Respondents 1 and 2 may proceed to evict the tenants from the premises pursuant to the orders if any, passed under Section 78 of the H.R.&C.E. Act.

6. With the above direction, all the Writ Petitions are disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

23.12.2022

ggs

Copy to:

- 1.The Commissioner, Corporation of Chennai
Park Town, Chennai 600003.
2. The Assistant Commissioner,
Corporation of Chennai-Zone VII
M.T.H.Road, Ambattur,
Chennai 600053

N.SATHISH KUMAR, J.

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