



W.P.No.1480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.1480 of 2023

&

W.M.P.No.1578 of 2023

S.Kothandan

...Petitioner

Vs.

1.The Commissioner
Hindu Religious & Charitable
Endowments,
119, Uthamar Gandhi Road
Nungambakkam, Chennai-600 034

2.The Joint Commissioner
Hindu Religious & Charitable
Endowments,
119, Uthamar Gandhi Road
Nungambakkam, Chennai-600 034

3.The Assistant Commissioner
Hindu Religious & Charitable
Endowments, Thiruvatriyur
Chennai-600 019

4.The Executive Officer
Sri PeriyaNayakiamman Thirukovil
O/o. ArulmiguArunachaleswarar Tirukovil
Palliappan Street, Chennai-600 079



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5. The Collector
Singaravelar Maligai
Chennai-600 001

6.The Thasildar
Thondiarpet Taluk Office
Chennai-600 081

7. The Asst. Engineer
Korukkupet
Thondaiyarpet S.S
Chennai-600 081

8.The Inspector of Police (L&O)
H6, R.K.Nagar Police Station
Chennai-600 021

9.K.Chinnakannan

10.S.Venkatesan

... Respondents

P R A Y E R: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondent 1 to 5 from in any manner reconstructing the proposed temple a/. Sri Periya Nayaki Amman Temple, No.21, Drivers Colony, E.H.road, Korukupet, Chennai-21 by annexing the petitioner's land more fully described in the schedule B property and consequentially restrain the respondent from utilizing the petitioner's schedule B property requires for the temple .



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For Petitioner : Mr.R.Ravindram

For Respondents : Mr.N.R.R.Arun Natarajan, Spl.G.P for R1 to 3
and 5 to 8

ORDER

The writ petition is filed seeking a direction to the respondents 1 to 5 from in any manner reconstructing the proposed temple a/. Sri Periya Nayaki Amman Temple, No.21, Drivers Colony, E.H.road, Korukupet, Chennai-21 by annexing the petitioner's land more fully described in the schedule B property and consequentially restrain the respondent from utilizing the petitioner's schedule B property for the temple .

2. The case of the Writ Petitioner is that S.No.1847/4 was declared as encroachment of entire village and the encroachers were regularised by the proceedings of the Thasildar on 13.06.1988. Petitioner's mother was one such encroacher and she was given an extent of 1526 Sq.ft in S.No.1847/4. Petitioner is all along in possession of the property and also constructed a petty shop measuring 187 sq.ft.

3. When the matter stood thus, the respondents under the pretext of



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constructing a temple has removed the same without following any due process of law. In this regard, he has already filed a suit in O.S.No.8284 of 2022 on the file of XXIV Assistant City Civil Court. Despite the pendency of the suit, the petitioner's possession was disturbed and the construction is started. It is the contention of the learned counsel for the petitioner that the petitioner is in settled position. Without following any due process of law, the authorities has removed his petty shop. Therefore, the Writ Petition.

4. According to the petitioner they are in settled possession in S.No.1847/4 to an extent of 187 sq.ft.

5. Learned Special Government Pleader, takes notice for the respondents and submits that the temple has no connection whatsoever with regard to S.No.1847/4. According to him in the entire area, the temple is situated only in S.No.1847/6 and only in those area the proposed renovation is taken place. In support of this he also produced the extract of Town Survey Land Record.

6. I have perused the entire materials.



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7. The main grievance of the petitioner is that he is in possession of the S.No.1847/4 on the basis of the proceedings of the Tahsildar issued on 13.06.1988. However, the respondents have now removed the petty shop in the above Survey number.

8. Learned Special Government Pleader has produced the Town Survey Land Record, wherein S.No.1847/6 is shown as the temple property. As the petitioner right is crystallised only in respect of S.No.1847/4 and the petitioner has no right whatsoever in respect of S.No.1847/6. If any renovation or construction happening in the S.No.1847/6 cannot be prevented by the petitioner under the pretext that he is in possession of S.No.1847/4.

9. In such view of the matter, I do not find any merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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