



W.P. No. 1005 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 1005 of 2020

A/m. Marga Sahaya Eswarar Thirukoil,
rep. by its Executive Officer,
Maduravoyal, Chennai 600 095.

..Petitioner

Vs.

1. The Tahsildar,
Maduravoyal,
Chennai 600 095.
2. The Inspector of Police,
Maduravoyal Police Station,
Chennai 600095.
3. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.
4. The Executive Engineer,
Ward 147, Zone XI,
Corporation of Chennai,
Valasaravakkam,



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Chennai.

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5. S. Soundararajan
6. J. Padmavathi
7. Devadas

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 3 to dispose of representations dated 08.07.2019 and 18.07.2019 respectively within a time frame to be fixed by this Hon'ble Court.

For Petitioner :: Mr.P. Wilson, Senior Counsel for
M/s.A.S. Kailasam and Associates

For Respondents :: Mr.A. Selvendran,
Special Government Pleader for
R1 and R2
Mr.A. C. Manibharathi for R3 & R4
Mr.Adinarayan Rao for R5
No appearance for R6
Mr.K. Karthikeyan for
Mr.S.B. Viswanathan for R7

O R D E R

(Made by **S. Vaidyanathan,J.**)

The writ petition is filed for issue of a Writ of Mandamus directing respondents 1 to 3 to dispose of representations dated 08.07.2019 and 18.07.2019 respectively within a time frame.

2. The case of the petitioner temple is that the land in Survey Nos.



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243 and 245 belong to it, as evidenced by the revenue records and that one Manickam and Chellan were cultivating tenants under the petitioner temple in respect of the said lands. After their demise, respondents 5 and 6 have encroached upon the same and also filed suits for injunction restraining the petitioner temple from interfering with their possession and the petitioner temple filed O.S. No. 288 of 2018 on the file of the same Court for recovery of possession. Ad-interim injunction was granted in the respective suits filed by respondents 5 and 6 as against which civil revision petitions were preferred by the petitioner temple and an order of stay was granted. Meanwhile, respondents 5 and 6 have surrendered their possession to the 7th respondent. Though the petitioner took up the issue with respondents 1 to 3 through various letters requesting to conduct an enquiry and refrain from granting planning permission and electricity connection to the 7th respondent, no action has been forthcoming, which necessitated the filing of the writ petition.

2. Heard the learned counsel for the respective parties.

3. No prejudice is going to be caused to the 6th respondent by the order intended to be passed in the writ petition as there is no representation



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on his behalf.

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4. From a perusal of the typed set of papers, it is evident that civil suits are pending between the parties. Since there is encroachment in the temple property, no planning permission has been given. In such circumstances, leaving all issues open, we expect the Principal District Munsif, Poonamallee to take up the civil suits filed by the parties and decide the same within a period of six months from the date of receipt of a copy of this order by conducting the proceedings on a day to-day basis without adjourning the same beyond seven working days at any given point of time.

It is made clear that no planning permission shall be granted till the disposal of the civil suits pending between the parties. Since it is stated that the 7th respondent is not a party to the proceedings pending before the Civil Court, either the petitioner or the 5th and 6th respondents can take steps to make 7th respondent as a party to the civil proceedings and the same shall be considered by the Civil Court.

5. The writ petition is disposed of with the above observations. No costs.

(S.V.N.J.) (K.R.S.J.)



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S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv

To

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3. The Commissioner,
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