



W.P.No.31314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31314 of 2023

K.V.Venugopal

... Petitioner

versus

- 1.The Commissioner,
Corporation of Chennai,
Park Town, Chennai – 600 003.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Padi, Chennai – 600 050.
- 4.The Executive Engineer,
Corporation of Chennai,
Division No.142, Zone 10,
No.117, NSK Salai,
Kodambakkam, Chennai – 600 024.



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5.The Assistant Engineer,
Corporation of Chennai,
Division No.142, Zone 10,
Saidapet, Chennai – 600 015.

6.The Director of Survey and Settlement
Survey House,
Chepauk, Chennai – 600 005.

7.The Deputy Director General/State Information Officer,
National Informatics Center,
Rajaji Bhavan,
Besant Nagar, Chennai – 600 020.

8.The Revenue Divisional Officer,
South Chennai,
Guindy, Chennai – 600 032.

9.The Tahsildar,
Mambalam Taluk,
Chennai – 600 083.

10.The Executive Officer,
Thiru Karneeswarar Koil,
Chennai – 60 015.

..... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the sixth respondent bearing Ref.No.RC.K8/14889/2021 dated 09.08.2021 and quash the same and direct the fourth respondent to process the application for



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demolition and re-construction of the house premise in the property bearing Door No.37, Old No.1, 3rd Street, Karanai Thottam, Saidapet, Chennai – 600 015.

For Petitioner : Mr.L.Dhamodharan

For Respondents : Mr.E.C.Ramesh,
Standing Counsel for R1, R4 and R5

Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R2, R3 and R10

Mr.P.Gurunathan
Additional Government Pleader
for R6 to R9

ORDER

Mr.E.C.Ramesh, learned Standing Counsel takes notice for respondents 1, 4 and 5, Mr.K.Karthikeyan, learned Government Advocate (HR & CE) takes notice for respondents 2, 3 and 10 and Mr.P.Gurunathan, learned Additional Government Pleader takes for respondents 6 to 9. With the consent of both the parties, the writ petition is taken up for final disposal at the admission stage, itself.

2. The petitioner has come up with the present writ petition, seeking



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for issuance of a writ of certiorarified mandamus to quash the proceedings of the sixth respondent bearing Ref.No.RC.K8/14889/2021, dated 09.08.2021 and consequently, direct the fourth respondent to process the application for demolition and re-construction of the house in the property situated in Door No.37, Old No.1, 3rd Street, Karanai Thottam, Saidapet, Chennai – 600 015.

3. The case of the petitioner is that he is an absolute owner of the house property bearing Door No.37, Old No.1, 3rd Street, Karanai Thottam, Saidapet, Chennai – 600 015. The petitioner had acquired the right of ownership of the subject property by virtue of settlement deed dated 24.03.2010 vide Doc.No.2046 of 2010. Since then he is in peaceful possession and enjoyment of the subject property and also regularly paying taxes and other statutory dues regularly, without any default. As the building in question is in a dilapidated condition and the same may cause danger to the habitants and also nearby neighbours, he submitted an online application for demolition and re-construction of the said building, but the same was rejected on the objection raised by the second respondent that the property belongs to the Hindu Religious and Charitable Endowments Department



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[hearing after referred to as 'HR & CE Department'].

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4. Further case of the petitioner is that the petitioner is in possession of the said property for more than 6 decades and HR & CE Department has not been vested with the right to block the website without any order from the competent Court. The subject land is a gramamatham land and more than 75% of the persons in the Karanai Thottam Villge have been issued with patta. As the alleged claim of the temple is that the property belong to them is highly unacceptable, HR & CE took over the administration of the Karaneeswar Temple/10th respondent only in the year 2002. Considering these facts, the sixth respondent passed proceedings dated 09.08.2021 bearing Ref.No.RC.K8/14889/2021, only based on the communication of the second respondent and the same is under challenge in this writ petition.

5. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the HR & CE Department submitted that the subject property belongs to the Karneeswarar Koil, Chennai and he has also produced a copy of the letter dated 31.10.2023 of Temple



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authorities by enclosing a certificate captioned 'Extract from the Permanent Land Register', which clearly shows that the subject property stands in the name of the said Temple.

6. On a perusal of the records and submissions made by the learned counsel on either side, it reveals that since the dispute between the parties is regarding title, the same cannot be decided in the writ petition and the petitioner has to agitate the issue before the Civil Court, by establishing his title and ownership. Hence, this Writ Petition is not maintainable.

7. In view of the above facts and circumstances, this Writ Petition is disposed of. However, the petitioner is at liberty to work out his remedy in the manner known to law. There shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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