



W.P.No.35097 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.35097 of 2022

1. G.Gowthaman
2. P.R.Ramanan
3. S.Vijay Narayanan

.. Petitioners

Vs.

1. The Principal Secretary and
Commissioner of Land Administration
Government of Tamil Nadu
Ezhizhalagam
Chepauk
Chennai 600 005.
2. The District Collector
Chennai District
Singaravelar Maligai
Rajaji Salai
Chennai 600 001.
3. The Corporation of Greater Chennai
Rep. by its Commissioner
Ripon Buildings
Poonamallee High Road
Chennai 600 003.



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4. The Chennai Metro Rail Limited (CMRL)
Rep. by its Managing Director
Poonamallee High Road
Koyambedu, Chennai 600 107.
 5. The Commissioner
Hindu Religious and Charitable
Endowments Department
119, Uttamar Gandhi Salai
Chennai 600 034.
 6. Arulmigu Sundara Varadharaja Perumal Temple
Rep. by its Executive Officer
Kaliyammann Koil Street, Virugambakkam
Chennai 600 092.
- .. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to consider the representations of the petitioners dated 07.12.2020 and 02.12.2022 and direct the respondents to follow the due process of law as mandated in Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the HR & CE Act, 1959 especially applying Section 77 of HR & CE Act, 1959, Agama Shastras to identify inalienable properties appurtenant to Sri Sundara Varadharaja Perumal Temple, Virugambakkam, Chennai and then by making necessary application under Section 34 of HR & CE Act, 1959 to the Commissioner, HR & CE Department to identify temple properties that can be alienated at Virugambakkam in S.No.2, Block 21 belonging to Sri Sundara Varadharaja Perumal Temple, Virugambakkam and modify the alignment of CMRL's Viaduct 3, Corridor 5 Phase II and Road widening accordingly and mandated under law within a time frame fixed by this Court.



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For the Petitioners : Mr.M.Ramamoorthi

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 & 2

Mr.A.Arunbabu
Standing Counsel
for Respondent-3

Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.Jayesh Dolia
for Respondent-4 &
Ms.Shakeena

Mr.NRR.Arun Natarajan
Special Government Pleader
for Respondents 5 & 6

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioners seek a writ of Mandamus directing the respondents to consider their representations dated 07.12.2020 and 02.12.2022 and to follow the due process of law as mandated under Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the HR & CE Act, 1959 especially applying Section 77 of the HR & CE Act, 1959.



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2. The petitioners, who are Software Consultant cum Book Publisher/Distributor, Chartered Accountant and Businessman respectively, are devotees of Sri Sundara Varadharaja Perumal Temple, Virugambakkam. It is located in S.No.2, Block 21, Virugambakkam. As per the Chennai Metro Rail Limited (for brevity "CMRL") Phase II, Corridor 5 Viaduct 3 plan, the alignment runs right over the temple Rajagopuram and Dwajasthambam and Pillars P126 and P128 are to be laid in the temple property. The CMRL officials had, without prior notice or permission of the temple authorities, made markings in yellow colour inside the temple. Apprehending that the temple structures would be affected, they have come up with this writ petition.

3. Learned counsel for the petitioners contended that the CMRL, in violation of the directions of this Court given in W.P.No.574 of 2015 and the assurance given by learned Advocate General to protect the heritage temple structures, which was recorded in the order dated 20.06.2022 in W.P.No.12697 of 2022, has made markings inside the temple to commence work.



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4. In reply, learned Advocate General submitted that the CMRL has no proposal that would affect the temple structures. He also submitted that the apprehension of the petitioners is unwarranted as they would abide by the assurance given by him before this Court to protect the heritage temple structures.

5. In view of the submission of learned Advocate General that the temple structures would not be affected and that they would abide by the assurance given before this Court, we do not find any merit in the apprehension of the petitioners. Accordingly, the writ petition fails and the same is dismissed. The gratitude expressed by learned counsel for the petitioners for the stand taken by learned Advocate General is hereby recorded. There will be no order as to costs. Consequently, WMP Nos.34551 and 34553 of 2022 are also dismissed.

(T.R., ACJ.) (D.B.C., J.)
04.01.2023

Index : Yes/No
Neutral Citation : Yes/No

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