



W.A.No.335 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 07.08.2023

Delivered on: 20.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B.BALAJI

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Thiruvalléeswarar Nagar Cooperative
Housing Society Limited
rep. by its President A.Arockiasamy
No.114, Sundarar Street
Thiruvalléeswarar Nagar
Anna Nagar West
Thirumangalam
Chennai-600 040

...Appellant

Vs.

1.The Corporation of Chennai
rep by its Commissioner
Chennai-600 003

2.The Zonal Officer
Zonal Office, Zone No.7
Corporation of Chennai
Ambattur, Chennai-600 053

3.Shree Thiruvalléeswarar Devasthanam
rep by its Executive Officer
Padi, Chennai-600 050.



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4. The Government of Tamil Nadu
rep by its Additional Secretary
Housing & Urban Development Department
Secretariat, Chennai-600 009

5. The Commissioner
Hindu Religious and Charitable Endowment Board
Nungambakkam High Road,
Nungambakkam, Chennai-600 034

6. The Tamil Nadu Housing Board
rep by its Managing Director
No.331, Anna Salai
Nandanam, Chennai-600 035

...Respondents

Prayer:- Appeal filed under Clause 15 of Letter Patent praying to set aside
the order passed by this Court in W.P.No.29848 of 2017 dated 21.11.2017.

For Appellant : Mr.E.J.Ayyappan

For Respondents : Mrs.Aswini Devi,SC (Corporation)
for R1 and 2

Mr.S.Surya
for
M/s.A.S.Kailasam Associates for R3

Mr.U.M.Ravichandran, Spl.G.P for R4

Mr.D.R.Arun Kumar, SC for TNHB for R6

Mr.Yaswanth, AGP (HR&CE) for R5



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JUDGMENT

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(Judgment of the Court was made by P.B.BALAJI,J.)

The unsuccessful Writ Petitioner is the appellant before us.

2. The appellant society sought for issuance of a Writ of Mandamus to direct the Corporation of Chennai to accord sanction to its members as and when they approach them for demolition and reconstruction of their respective buildings, without insisting on production of any document or title or no objection certificate from the Devasthanam or the Additional Secretary, Housing and Urban Development Department, Commissioner, HR&CE and Tamil Nadu Housing Board.

3. The case of the petitioner is that their members are all lessees or sub-lessees under Shree Thiruvalleeswarar Devasthanam.

4. Despite such a prayer in the Writ Petition, when the Writ Petition was taken up for final disposal before the Writ Court, the learned Single Judge has specifically recorded the fact that even though a larger prayer



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was sought for in the Writ Petition, the appellant having given a representation dated 20.10.2017, was satisfied if the same was considered in accordance with law. The learned Single Judge only directed an opportunity to be given to the appellant/petitioner and its members and disposed of the Writ Petition.

5. Aggrieved by the said order of the Writ Court, the appellant society has preferred the present Writ Appeal, challenging the findings of the learned Single Judge that the appellant does not have any locus to make a representation and that the learned Single Judge has not considered the fact that the members of the appellant society have been permitted to construct pucca buildings and they have been living there over five decades.

6. Heard Mr.E.J.Ayyappan, learned counsel for the appellant, Mrs.Aswini Devi,learned Standing Counsel (Corporation) for R1 and 2, Mr.S.Surya for M/s. A.S.Kailasam Associates for R3, Mr.U.M.Ravichandran,learned Special Government Pleader for R4, Mr.D.R.Arun Kumar, learned Standing Counsel for TNHB for R6, Mr.Yaswanth, learned AGP (HR&CE) for R5. We have also perused the



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records, besides the order of the Learned Single Judge.

7. Admittedly, the appellant society consists of several members and all its members are either direct lessees or sub-lessees under Shree Thiruvalleeswarar Devasthanam. The Writ Court had only directed the representation dated 20.01.2017 made by the appellant society to be considered and appropriate orders to be passed within 15 days from the date of receipt of a copy of the order in the Writ Petition. That apart, opportunity by way of hearing to the petitioner as well as the Tamil Nadu Housing Board was also made available by the learned Single Judge.

8. From a reading of the order of the learned Single Judge, we do not find even any observation that the petitioner society has no locus. Infact, the Writ Petition has been disposed of directing only the appellants representation dated 20.10.2017 to be disposed of in accordance with law, that too after hearing the appellant. The learned Single Judge has only clarified that since the appellant represents all its members, it would not be open for the members to individually come up at later point of time and state that they were not heard or that the appellant was not authorised to



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represent them. We therefore, do not find any infirmity in the order passed by the learned Single Judge. The grounds raised in the Writ Appeal are misconceived and consequently do not merit any consideration whatsoever.

For all the above reasons, the Writ Appeal is dismissed. No costs.

(D.K.K.J) & (P.B.B.J)
20.09.2023

Internet : Yes
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Neutral Citation: Yes/No
mjs



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To
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D.KRISHNAKUMAR, J.,
and
P.B.BALAJI, J
(mjs)

Pre-delivery judgment in
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