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W.P.No.14476 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

**W.P.No.14476 of 2021 and
W.M.P. Nos.15358 of 2021 and 29548 of 2023**

E. Emanathan

... Petitioner

Vs.

1. The Greater Chennai Corporation,
Represented by its Commissioner,
Ripon Building, Chennai - 600 003.

2. The Zonal Officer,
Zone- XIII,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai, L B Road,
Adyar, Chennai - 600 020.

3. Thiruveethi Amman Koil Trust,
Represented by its Secretary,
No.1, Thiruveethi Amman Koil Main Road,
Kalikundram, Taramani,
Chennai - 600 113.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the first and second respondents in any manner put up construction in the vacant site on the southern side of the Arul Mighu Thiruveedi Amman Temple vacant land



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comprised in T.S.No.1, Block 3, Corresponding to Old. S.No.44/1A part, situated at Door No.1, Kallikundram Main Road, Kallikundarm Village, Tharamani, Chennai.

For Petitioner : Mr. G. Ethirajalu

For Respondents : Mr. P.T. Rama Devi
Standing Counsel
for R1 and R2

Mr.V. Chandrasekaran
for R3

ORDER

Writ Petition has been filed to forbear the first and second respondents in any manner put up construction in the vacant site on the southern side of the Arul Mighu Thiruveedi Amman Temple vacant land comprised in T.S.No.1, Block 3, Corresponding to Old. S.No.44/1A part, situated at Door No.1, Kallikundram Main Road, Kallikundarm Village, Tharamani, Chennai.

2. The petitioner is one of the worshipper of the Arul Mighu Thiruveedi Amman Temple. It is situated at T.S.No.1, Block 3, Corresponding to Old. S.No.44/1A part, situated at Door No.1,



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Kallikundram Main Road, Kallikundarm Village, Tharamani, Chennai. It is in existence for the past 75 years. It has been renovated from time to time by installing idols of (a) Sri. Valampuri Vinayagar, (b) Sri. Kuperalingeswarar, (c) Sri. Sakthi Balamurugan, (d) Muneeswarar including the main deity viz., Arul Mighu Thiruveedi Amman. It has been maintained by the local committee of that area. It is situated nearly in an extent of 3,500 sq.ft. On the southern side of the temple, there is a vacant land to an extent of 1,720 sq.ft. being used for other purposes of temple.

3. While being so, the respondent Nos.1 and 2 attempted to construct a kitchen for noon meal scheme. During the year 1983, the Government required 300 sq.ft. out of 1,720 sq.ft. for cooking and serving of noon meal to the children under the scheme. It was constructed and thereafter, it was dilapidated due to non maintenance. Thereafter, it was shifted to a nearby area. Once again they attempted to put up construction in the said land.

4. The third respondent also filed suit in O.S. No.1928 of 2017 as against the residents of Arul Mighu Thiruveedi Amman Temple for permanent injunction in which, the Secretary of third respondent was



examined as PW1. Though he deposed that the subject land belongs to the temple, no documents were produced to substantiate the same. Therefore, the suit was dismissed by the judgment and decree dated 15.07.2019.

5. On perusal of the counter and also on the submissions made by the learned counsel appearing for the official respondents, it is revealed that the temple is maintained by the third respondent. It is allotted in the land classified as Sirkar Poramboke land comprised in T.S.No.1, Block 3, Corresponding to Old. S.No.44/1A part, situated at Door No.1, Kallikundram Main Road, Kallikundarm Village, Tharamani, Chennai.

6. There was no compound wall in its existence separating the temple and other adjacent property. Already, there was an Anganvadi centre which was functioning till 2014. Due to old age of the building, in order to safeguard the life of the children, it was decided to demolish and put up a new Anganvadi building in the said land. Anganvadi centre has been shifted to a nearby rented building and it is now functioning. Now, the respondent Nos.1 and 2 proposed to construct new Anganvadi centre at that area admeasuring 434 sq.ft.



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7. Learned counsel for the third respondent submitted that except the Anganvadi centre, the vacant land admeasuring an extent of 1,720 sq.ft. is very much available and it is in possession and enjoyment of the third respondent. They have also admitted that there was Anganvadi centre and it is in dilapidated condition. Therefore, they do not have any objection to construct Anganvadi centre in the land belongs to the Government. Admittedly, the temple itself is situated in the Sirkar Poramboke.

8. In view of the above, the prayer sought for in this writ petition cannot be considered and liable to be dismissed. Accordingly, this writ petition is dismissed. However, the respondent Nos.1 and 2 are directed to leave the remaining land as vacant for the purpose of performing temple activities after construction of new Anganvadi. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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G.K. ILANTHIRAIYAN. J.,

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To

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