



WEB COPY



W.P.No.18163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.No.18163 of 2024

and WMP.Nos. 19951 & 19953 of 2024

1. M/s. Aalayam Kaapom Foundation
Rep. by its President,
Mr.P.R.Ramanan
No.12, Nagarathinam Colony,
Sir P.S.Sivasamy Salai,
Mylapore, Chennai-600004.

2.P.r.Ramanan
S/o. P.V.Ranganathan

..Petitioners

Vs

1.State of Tamil Nadu
Rep by its Secretary to the Government
(in the rank of Additional Chief Secretary)
Department of Tourism, Culture and
Religious Endowments
Government of Tamil Nadu,
Fort St.Geroge, Chennai-600009.

2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,



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No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600034.

3.The Principal Secretary and Commissioner
of Land Administration,
(in the rank of Additional Chief Secretary)
Ezhilagam, Chepauk,
Chennai-600005.

4. Special District Revenue Officer
(Land Acquisition)
Chennai Metro Rail Limited (CMRL)
METROS 327 Anna Salai,
Nandanam, Chennai-600035.

5. The Managing Director,
Chennai Metro Rail Limited,
METROS 327 Anna Salai,
Nandanam, Chennai-600035.

6.Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
Thalamuthu Natarajan Maaligai,
Gandhi-Irwin Road, Egmore,
Chennai-600089.

7.The District Collector,
Chennai District,
Singaravelar Maligai,
Rajaji Salai, Chennai-600001.

8.The Executive Officer,
Sri Rathina Vinayagar and Durgai Amman Temple,
Whites Road, Royapettah,
Chennai-600014.

..Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 7 to consider the representation of the first petitioner dated 14.06.2024 and pass orders for changing the alignment plan in connection with the Metro Rail Project made by the fifth respondent and approved by the sixth respondent in respect of the Five Tier Temple Raja Gopuram of Sri Rathina Vinayakar Durgai Amman temple Whites Road Royapettah, Chennai until the Temple Peepul tree in Block No 11 Town survey No 328/1 and Town survey Numbers 328/14, 327/1, 327/5, 325/1, 325/3 and 325/7 of Triplicane Village, Mylapore Taluk, Chennai District belonging to Sri Rathina Vinayakar Durgai Amman Temple, Whites Road, Royapettah, Chennai proposed to be demolished for the purpose of Phase II Corridor 3, 20-Thousand Lights, Metro Station in the Pattalam to Thousand Lights Viaduct.

For Petitioners : Mr.V.Ravi, Senior Counsel

For Respondents : Mr.P.S.Raman, Advocate General
Assisted by Mr.Jayesh B. Dolia,
& Mrs. Ritachandrasekar – R5
Mr.A.Edwin Prabakar, State GP
Assisted by Mr.K.Karthik Jagannath, GA
- R1,R3, R4 & R7
Mr C. Manoharan, Standing Counsel – R6
Mr. N.R.R. Arun Natarajan, Spl.GP – R2



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ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The writ petition is filed seeking directions to the respondents 1 to 7 to consider the representation of the first petitioner dated 14.06.2024 and pass orders for changing the alignment plan in connection with the Metro Rail Project made by the fifth respondent and approved by the sixth respondent in respect of the Five Tier Temple Raja Gopuram of Sri Rathina Vinayakar Durgai Amman temple Whites Road Royapettah, Chennai until the Temple Peepul tree in Block No 11 Town survey No 328/1 and Town survey Numbers 328/14, 327/1, 327/5, 325/1, 325/3 and 325/7 of Triplicane Village, Mylapore Taluk, Chennai District belonging to Sri Rathina Vinayakar Durgai Amman Temple, Whites Road, Royapettah, Chennai proposed to be demolished for the purpose of Phase II Corridor 3, 20-Thousand Lights, Metro Station in the Pattalam to Thousand Lights Viaduct.



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2. Today Mr.P.S.Raman, learned Advocate General appearing for the 5th respondent/CMRL has filed a proposal submitted by the 5th respondent before this Court, which reads as follows;

- i. Durgai Amman Temple will remain untouched. The Nuzhaivayil Gopuram of the Durgai Amman Temple will be shifted 5 meters inside the temple premises and will be reinstated upon completion of CMRL works.
- ii. During the shifting process of the Nuzhaivayil Gopuram, an alternate 4 meter wide access will be provided for devotees to access the Durgai Amman Temple.
- iii. The Rathina Vinayagar Temple to be re-located temporarily. CMRL will rebuild the temple at the location identified by HR &CE.
- iv. The Entry/Exist point of the Metro Station, initially proposed to be built within the Rathina Vinayagar Temple premises, will now be shifted to the other side of the Nuzhaivayil Gopuram, inside the United India Insurance area.

3. Mr. V. Ravi, learned senior counsel representing the petitioners, appeared through video conferencing also agreed for said proposal.



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However, he submitted that another piece of land adjacent to the temple, which is currently being used by CMRL for construction purposes will be left unutilised once the construction is completed, therefore, the said land be permitted for use by the temple in the interest of the devotees.

4. In reply, learned Advocate General has submitted that if any request is received by the CMRL, the same will be considered by the authorities concerned.

5. Recording the said proposal submitted by the 5th respondent and the submissions made by the learned counsels appearing for the parties concerned, the writ petition stands closed. Consequently, connected Miscellaneous Petitions are closed.

(D.K.K., A.CJ.)

(K.B.J.)

08.08.2024

(1/2)

Internet: Yes/No

Index : Yes/No

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