



W.P.No.33282 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33282 of 2019

K.Thamizhselvi

.. Petitioner

Vs

- 1 The Commissioner,
Hindu Religious & Charitable Endowments Dept.,
Nungabbakkam,
Chennai-34.
- 2 The Joint Commissioner,
Hindu Religious & Charitable Endowments Dept.,
Nungabbakkam,
Chennai-34.
- 3 The Executive Officer,
Hindu Religious & Charitable Endowments Dept.,
Marundeeswarar temple,
Chennai-41.
- 4 The Commissioner of Corporation,
Corporation of Greater Chennai,
Chennai-600 003.

.. Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the



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records of the second respondent in his proceedings dated 23.2.2019 bearing No.O.MU.No.8499/2019/R2 and quash the same and consequently directing the respondents to reconsider the representation of the petitioner dated 13.2.2019 and permit the petitioner to use the road duly maintained by the Corporation of Chennai.

For the Petitioner	: Ms.N.Gouri for Mr.G.Ilamurugu
For the Respondents	: Mr.S.Ravichandran Spl. G.P. (HR&CE) for respondents 1 and 2
	: Mr.Wilson S.Topas for M/s.A.S.Kailasam and Associates for respondent No.3
	: Mr.A.Arun Babu Standing Counsel for respondent No.4

ORDER

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

Heard Ms.N.Gouri, learned counsel appearing for Mr.G.Ilamurugu, learned counsel for the petitioner; Mr.S.Ravichandran, learned Special Government Pleader (HR & CE) for respondents 1 and 2; Mr.Wilson S.Topas, learned counsel



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appearing for M/s.A.S.Kailasam Associates, learned counsel for respondent No.3; and, Mr.A.Arun Babu, learned Standing Counsel for respondent No.4.

2. The request of the petitioner to provide passage from the subject road is rejected. According to the petitioner, the road in question is a public road.

3. An affidavit is filed by respondents 3 and 4. As per the affidavit, the subject land is a private land of the temple. The passage claimed by the petitioner belongs to Marundeeswarar Temple and there is a dwarf wall constructed. According to respondents 3 and 4, it is not a public road.

4. In the writ petition, there is no document filed to establish that the subject road is a public road. The same was recorded by us in the order dated 2.1.2024 and the matter was adjourned to 8.1.2024 to place on record documents. On 8.1.2024, the matter was adjourned at the request of the petitioner to 12.3.2024.



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5. Learned counsel for the petitioner submits that the petitioner has sought information under the Right to Information Act, 2005, but no information is received.

6. If the petitioner can lay hands on any authentic document qua the existence of the public road, then the petitioner may agitate afresh.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.No.33746 of 2019 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.03.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To

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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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