



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.12.2024

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.35825 of 2024

S. Loganathan

Petitioner

vs.

1. The District Collector
Singaravelan Maligai
62, Rajaji Salai
George Town, Chennai 600 001
2. The Greater Chennai Corporation
represented by its Commissioner
Rippon Building, Chennai 600 003
3. The Zonal Officer
Zone-4, Chennai Corporation
Zonal Office No.266, T.H.Road
Chennai 600 021
4. The Tahsildar
Perambur-Purasawalkam Taluk
Perambur
Chennai 600 011
5. The Commissioner
Hindu Religious Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 034
6. The Executive Officer (HR & CE)
Arulmigu Semathamman and Anandheeswarar Koil
Perambur, Chennai 600 011
7. Arumugam

Respondents

Writ Petition filed under Article 226 of the Constitution of India



seeking a writ of mandamus directing the respondents No.1 to 3 remove the encroachment made by the 7th respondent just in front of the petitioner's house No.105, Thulasingham Street, Perambur, Chennai 600 011 in Survey No.803/3.

For petitioner	Ms. S. Meenakshi
For RR 1 & 4	Mr. V. Ravi Special Government Pleader
For RR 2 & 3	Mr. D.B.R. Prabhu Standing Counsel
For RR 5 & 6	Mr. V. Ravichandran Addl. Govt. Pleader (HR & CE)

ORDER

(made by M. SUNDAR, J.)

Captioned 'writ petition' (for the sake of brevity 'WP') pertains to 'land comprised in Town Survey No.803/3, Block No.46 in Perambur Town, Perambur Taluk, Chennai District' ('said land' for the sake of convenience). The postal address is 105-B, Thulasinga Mudali Street, Perambur, Chennai 600 011.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 03.12.2024 which reads as follows:

'W.P.No.35825 of 2024



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M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

(Order of the Court was made by M.SUNDAR.J.,)

Ms.S.Meenakshi, learned counsel for writ petitioner is before us.

2. The complaint of the writ petitioner is that R7 has obstructed the access to writ petitioner's house by putting up a superstructure.

3. This Court wanted to know the details of writ petitioner's house. Learned counsel for writ petitioner submitted that writ petitioner is a lessee in land belonging to Arulmigu Semathamman and Anandheeswarar Koil, Perambur, Chennai – 600 011 but no lease deed has been placed before this Court in the case file.

4. Faced with the above situation, learned counsel for writ petitioner sought time to file the lease deed and bring it on Board.

5. Considering the nature of the matter request acceded to.

6. List under the cause list caption 'ADJOURNED ADMISSION' a fortnight hence.

List on 17.12.2024.'

3. Today, Ms. S. Meenakshi, learned counsel for writ petitioner, Mr.V.Ravi, learned Special Government Pleader for RR 1 and 4, Mr.D.B.R. Prabhu, learned Standing Counsel for RR 2 and 3 and Mr.V.Ravichandran, learned Additional Government Pleader (HR & CE) for RR 5 and 6 are before us.

4. Learned Additional Government Pleader for Tamil Nadu Hindu Religious and Charitable and Endowments Department, advertng to earlier proceedings dated 03.12.2024 (extracted and reproduced in paragraph 2 *supra*), submits that the lessee as regards said land has fallen in arrears and there is a huge arrears of Rs.2,23,616/-. To be noted, learned Additional Government Pleader submits that the lessee as per the temple records is one Kannammal



(S.Loganathan). It has been averred in the writ affidavit that the writ petitioner is the son of Kannammal. As regards R7, learned Additional Government Pleader submits, on instructions, that R7 is a lessee under the said temple, lease is subsisting and there is no arrears of rent. Be that as it may, learned Additional Government Pleader also placed before us a notice dated 06.12.2024 issued *inter alia* to the writ petitioner (notice issued by R6) and scanned reproduction of the same is as follows:





5. In the light of the narrative thus far, we dismiss the captioned WP making it clear that notice issued by R6 (scanned and reproduced in paragraph 4 *supra inter alia* issued by R6 to writ petitioner), shall proceed on its own merits and in accordance with law. We express no view or opinion on the same.

6. Though obvious, this Court makes it clear that all the rights and contentions of the writ petitioner *qua* aforementioned notice of R6 dated 06.12.2024 and intended proceedings under Section 78 of Tamil Nadu Hindu Religious and Charitable Endowments Act will stand preserved untrammelled by this order. In other words, intended Section 78 proceedings or writ petitioner's response to aforementioned 06.12.2024 notice will be considered on its own merits and in accordance with law, untrammelled by this order.

7. *Ergo*, the sequitur is captioned WP is dismissed, albeit with the aforementioned observation. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
17.12.2024

Index : Yes/No
NC : Yes/No
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M. SUNDAR, J.

and

K. RAJASEKAR, J.

cad

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