



W.P.No.36919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36919 of 2024 and
WMP No.39965 of 2024

E.F.Radhika

...Petitioner

Vs

1. The District Collector,
District Collector Office,
Grand Southern Trunk Road,
Venbakkam, Chengalpattu 603 111.
2. The Arch Diocese of Madras-Mylapore,
Rep. by its Arch Bishop,
Arch Bishop House, 41, Santhome High Road,
Santhome.
3. Diocese of Chengalpattu,
Rep. by its Bishop,
Catholic Bishop's house,
Thimmavaram, Kancheepuram Road,
Chengalpattu 603 101.
4. Assisi Foundation Trust,
Rep. by its Founder Trustee D.Leo,
S/o T.P.Durai, No.2/2 Assisi Garden,
Assisi Nagar Puthupakkam Village,
Vandalur Taluk, Chengalpattu District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of



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India seeking for issuance of a writ mandamus, directing the first respondent to consider the representation dated 25.11.2024 and to conduct enquiry against the 4th respondent, who is running a public Catholic church in the petitioner's property without any approval before the concern Diocese and without any approval from the landlord, i.e. the petitioner.

For petitioner : Ms.Preethi Basker

For respondents : Mrs.M.Jayanthi, Addl.Govt.Pleader
for first respondent

ORDER

This writ petition is filed seeking direction to the first respondent to consider the representation of the petitioner dated 25.01.2024 and conduct enquiry against the fourth respondent, who is running public Catholic church in the petitioner's property without any approval.

2. It is the case of the petitioner that she is owning a land to an extent of 3 Acres and 33.5 cents in Old No.41, New No.2/2, Puthupakkam Village, Thiruporur Panchayat, Chengalpattu District. The above said property was acquired by the petitioner's mother under a



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registered sale deed in document Nos.2326/2002 and 2122/2003.

Subsequently, the petitioner's mother executed a settlement deed in favour of the petitioner. This petitioner is having right and title over the said property. It is the further case of the petitioner that the fourth respondent herein is running a Church in the above mentioned property without any permission, which is illegal. Challenging the illegal trespass committed by the fourth respondent, the petitioner filed a suit in O.S.No108/2020 on the file of District Munsif Court, Chengalpattu, which was later renumbered as O.S.No.169/2023. Since the fourth respondent has been running a Church, without getting any permission from the first respondent, the petitioner submitted a representation in detail on 25.11.2024 seeking necessary action against him. The said representation has not been considered by the first respondent. Hence the petitioner has come before this court.

2. The learned counsel for the petitioner is unable to cite any provision of law, under which, permission is required for running the Church in the afore mentioned premises. Even if it is the case of the petitioner that the fourth respondent is in illegal occupation of the



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property, it is for him to work out the remedy before the competent civil court. In the absence of any legal provision mandating the fourth respondent to get permission from the first respondent to run a Church in the said property, this court is not inclined to direct the first respondent to consider representation of the petitioner and to conduct enquiry against the fourth respondent.

3. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed. It is open to the petitioner to work out the remedy before the civil court.

10.12.2024.

Index : Yes / No
Internet : Yes / No
mst

To

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S.SOUNTHAR, J.
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