



W.P.Nos.9717 & 9718 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.9717 & 9718 of 2025

and

WMP.Nos.10887 & 10888 of 2025

Mr.S.John
Pastor
Church of Grape Garden
No.4, Ramadoss Nagar
Old Washermenpet
Chennai 600 021.

Residing at
No.20/14, 1st Street
Kannigapuram
Chennai 600 012.

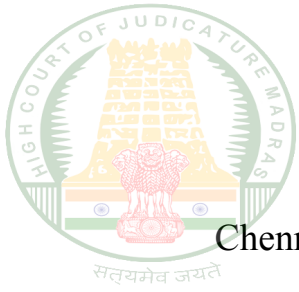
... Petitioner in W.P.No.9717/2025

Muniyammal

... Petitioner in W.P.No.9718/2025

Vs.

1.The Chairman
Tamil Nadu Urban Habitat Board
No.5, Kamaraj Salai
Chepauk



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Chennai 600 005.

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2.The Zonal Officer
Zone-V, Chennai Corporation
No.62, Basin Bridge Road
Old Washermenpet
Chennai 600 021.

3.The Estate Officer-II
Tamil Nadu Urban Habitat Board
Vyasarpadi
Chennai 600 039.

....Respondents in both W.P.Nos.

Prayer in W.P.No.9717 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 3 respondents to stop demolishing the church namely Church of Grape Garden situated at No.4, Ramadoss Nagar, Old Washermenpet, Chennai 600 021, comprised in Block No.28, and R.S.No.1797/3 in Tondiarpet Division, belongs to Corporation of Chennai, without making any alternate arrangement to continue the regular prayer service of the Church and to pass such further or other orders as this Court may deem fit and proper in the circumstance of the case.



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Prayer in W.P.No.9718 of 2025 : Writ Petition filed under Article 226 of the

Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 3 respondents to stop demolishing her house situated at No.3, Ramadoss Nagar, Old Washermenpet, Chennai 600 021, comprised in Block No.28, and R.S.No.1797/3 in Tondiarpet Division, belongs to Tamil Nadu Slum Clearance Board, presently Tamil Nadu Urban Habitat Board, without making any alternate arrangement to live peacefully with her family and to pass such further or other orders as this Court may deem fit and proper in the circumstance of the case.

For Petitioners in
both W.P.Nos. : Mr.F.Wellington

For Respondents in
both W.P.Nos. : Mr.G.Sivakumar
for R1 & R3

COMMON ORDER

Both the Writ Petitions are related to each other and as such are taken up and disposed of by this common order.



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2. The first Writ Petition No.9717 of 2025 is filed by the Reverent Pastor. It is his submission that in the subject matter place, there is a Church ad-measuring 189 square feet which caters to the needs of all these poor people. The prayers are conducted regularly there and the Religious service is done in the said Church. Suddenly, now the same is sought to be demolished. The second Writ Petition in W.P.No.9718 of 2025 is filed by one Muniyammal who resides in the adjacent house of the Church. It is her contention that they have also put up the construction long back and they have been assessed to corporation tax and the electricity connection is given and all their documents are there in the address and suddenly they cannot be thrown out.

3. Admittedly, the land belongs to Urban Habitat Board. It can be seen that the Corporation land encroachment drive is being carried out. When the road margin is encroached, this Court cannot come to the rescue of the petitioners.



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4. As far as the petitioner in W.P.No.9718 of 2025, Muniyammal is concerned, it is also submitted by the learned counsel appearing on behalf the respondents that already her husband has got an allotment. Therefore her prayer cannot be countenanced. As far as the prayer of the Church is concerned it is true that the Church is suddenly being removed. But however the Church has to find a private place. I am sure that one of the devotees of the Church will immediately offer solace offering place of worship and in the meanwhile, the Church can find appropriate place to be built in a private land and not by encroaching road margin. Even places of worship have no right to encroach upon the Poromboke lands and road margin etc. The Government cannot make any allotment and the right of maintaining place of worship under Article 25 and 26 of the Constitution of India would not grant a right to encroach the road margin.



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5. Therefore, I am unable to countenance the prayers that are made in both the Writ Petitions. Finding no merits, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.03.2025

Neutral Citation : No
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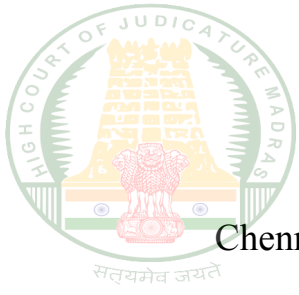
To

1.The Chairman
Tamil Nadu Urban Habitat Board
No.5, Kamaraj Salai
Chepauk
Chennai 600 005.

2.The Zonal Officer
Zone-V, Chennai Corporation
No.62, Basin Bridge Road
Old Washermenpet
Chennai 600 021.

3.The Estate Officer-II
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Vyasarpadi

6/8



Chennai 600 039.

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D.BHARATHA CHAKRAVARTHY, J.

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