



W.P.No.13548 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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SRI APPUKUTTI CHETTIARS CHOULTRY TRUST,
REP. BY ITS HEREDITARY TRUSTEE,
P.B.SUNDARI SEKHAR,
W/O.C.SEKHAR,
NO.62, MC NICOLAS ROAD,
CHETPET,
CHENNAI-600 031.

... Petitioner

Vs

THE DEPUTY COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
OFFICE OF THE EXECUTIVE OFFICER,
ARUL VADAPALANI ANDAVAR THIRUKKOIL,
VADAPALANI,
CHENNAI-600 026.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to pass orders on the application of the petitioner dated 16.09.2024 seeking for demolition and reconstruction of the property situated in Sri Appukutti Chettiars Choultry trust situated at No.9, Palani Andavar Koil Street, Vadapalani, Chennai in Old Survey number 178 to an extent of 6840 sq.ft as per the proposal of the petitioner within the period that may be stipulated by this Court.



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For Petitioner : Mr.R.Sureshkumar
for M/s.K.M.Vijayan Associates
For Respondent : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)

ORDER

This writ petition is filed to direct the respondent to pass orders on the petitioner's application dated 16.09.2024.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed in support of the writ petition, the grievance of the petitioner is that the property in question is a specific endowment. The building located at No.9, Palani Andavar Koil Street, Vadapalani, Chennai, in Old Survey No. 178, to an extent of 6840 sq.ft., is 103 years old and is in a dilapidated condition. Therefore, it is necessary that the building be demolished and reconstructed for better use of the endowment.

3. Per contra, the learned Special Government Pleader appearing for the respondent submits that the original order passed in O.A. No. 22 of 1952 will govern the issue and even if the building is permitted to be demolished and rebuilt, the original purpose of the endowment has to be maintained.



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WEB COPY 4. I have considered the rival submissions made on either side.

5. When the building is 103 years old, firstly it is for the respondent to decide whether it has to be demolished and whether there is any heritage value to save the same building or it can be demolished and reconstructed. Once the respondent comes to the conclusion that it can be demolished and reconstructed, once there is no special heritage value, naturally if the building is 103 years old, if it is demolished and reconstructed, it will be better suited for the endowment. Needless to mention that the purpose of the original endowment should not be deviated upon. Therefore, all that can be considered while considering the application of the petitioner dated 16.09.2024 and passing orders in accordance with law.

6. In view thereof, this writ petition is disposed of on the following terms:-

The respondent shall take up the application of the petitioner dated 16.09.2024. The respondent shall also hear the petitioner and pass orders thereon in accordance with law within a period of six weeks from the date of



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receipt of the web copy of the order without waiting for the certified copy. No

WEB COPY costs.

16.04.2025

Neutral Citation: Yes/No
nsl

To
THE DEPUTY COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
OFFICE OF THE EXECUTIVE OFFICER,
ARUL VADAPALANI ANDAVAR THIRUKKOIL,
VADAPALANI,
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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