



W.P.No.16508 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16508 of 2025
and W.M.P.No.18642 of 2025

R.Radha Krishnan

.. Petitioner

Versus

1. The Commissioner,
HR & CE,
No:110, Uthamar Gandhi Road,
Chennai - 600 034.
2. The Joint Commissioner,
HR & CE,
Villupuram.
3. The Assistant Commissioner,
HR & CE,
Kallakurichi.
4. The Inspector/Fit Person,
Arulmigu Draupathi Amman Kovil,
Kizhaiyur,
Tirukovilur Taluk,



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Kallakurichi.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the 1st respondent to produce the records on what basis the shops were demolished.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.K.Karthikeyan,
Government Advocate (HR & CE)

ORDER

This Writ Petition is filed to issue a writ in the nature of a mandamus directing the first respondent to produce the records on what basis, the shops were demolished.

2. In paragraph No.12 of the affidavit filed in support of the Writ Petition, it is stated that the shops were illegally locked and sealed and the shops belong to the uncle of the petitioner. The learned Counsel for the petitioner would submit that the property belongs to the trust that was



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formed in the year 2021.

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3. On a perusal of the trust deed, it can be seen that there is no immovable property that is dedicated by the said trust. Therefore, the property can never belong to such a trust which comes into existence on 27.09.2021. By the trust deed, no immovable property is dedicated by any person. Secondly, it is also mentioned that the shops belong to the uncle of the petitioner. The petitioner can have no grievance whatsoever with reference to the sealing of the shops.

4. It is stated that the shops were taken possession as on 12.07.2012 itself. The respondents claimed that the shops as well as the property belong to the temple. Already, the petitioner's uncle *Gururajan* has filed a Revision Petition and the same was also dismissed. The learned Counsel for the petitioner submits that an Appeal Suit is also pending. Therefore, if the petitioner is representing the trust and that the trust is claiming a rival title



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that of the temple, it will be open for the petitioner to approach the Civil Court claiming title. Now, at the instance of the petitioner, there cannot be any Writ of Mandamus directing the respondents to produce the records on the basis, of which, the temple was taken possession. The possession is said to be taken in the year 2012.

5. Therefore, with such a liberty to approach the competent civil forum, this Writ Petition is disposed of. There shall be no order as to costs.

29.04.2025

Neutral Citation : no
grs

To

1. The Commissioner,
HR & CE,
No:110, Uthamar Gandhi Road,
Chennai - 600 034.

2. The Joint Commissioner,

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- HR & CE,
Villupuram.
3. The Assistant Commissioner,
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D.BHARATHA CHAKRAVARTHY, J.

grs

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