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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 21476 of 2025
and WMP No. 24262 of 2025**

H. Mageshwaran

Petitioner(s)

Vs

1. The Commissioner
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner
Hindu Religious And Charitable Endowments,
R.K. Madam Salai, Chennai-600 034.

3.The Executive Officer
Karaneeshwarar Temple, Saidapet,
Chennai-600 015.

4.The Commissioner
Corporation Of Chennai,
Ripon Building, No.1131,
EVR Periyar Salai, Park Town,
Chennai-600 003.



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5.The Superintending Engineer
Corporation Of Chennai,
Ripon Building,
No.1131, EVR Periyar Salai,
Park Town, Chennai-600 003.

6.The Executive Engineer
Zone X, Area 30, Unit Office,
Ward 140, No.117, NSK Salai,
Kodambakkam, Chennai-600 024.

7.The Assistant Executive Engineer
Greater Chennai Corporation,
Zone X, Area 30, Ward 140,
No.2/12, West Jones Road,
Saidapet, Chennai-600 015.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of the first respondent bearing Na.Ka.No.1128921/2024/R2/dated 25.04.2025 and quash the same and direct the 2nd respondent to inspect the property and pass suitable order for demolition of the superstructure existing in the house property bearing Old Door No.1, New Door No.37, T.S. No.98, Block No.4, 3rd Street, Karani Thottam, Saidapet, Chennai-600 015.



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For Petitioner(s): Mr.L. Dhamodharan

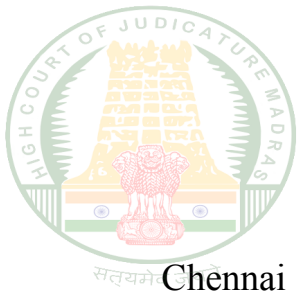
For Respondent(s): Mr.N.R.R.Arun Natarajan
Special Government Pleader
for R1 to R3
Mr.D.B.R.Prabhu
Standing Counsel
for R4 to R7

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 25.04.2025 and for a consequential direction to the 2nd respondent to inspect the property and to demolish the superstructure.

2.Heard Mr.L.Dhamodharan, learned counsel appearing on behalf of the petitioner, Mr.N.R.R.Natarajan, learned Special Government Pleader appearing on behalf of respondents 1 to 3 and Mr.D.B.R.Prabhu, learned Standing Counsel appearing on behalf of respondents 4 to 7.

3.The case of the petitioner is that he is the owner of the property at New Door No.37, T.S.No.98, Block No.4, 3rd Street, Karani Thottam, Saidapet,



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Chennai 600 015. According to the petitioner, building is in a dilapidated condition and he sought for permission to demolish the building and to reconstruct the same. While the petitioner was making such attempts, the taluk authority blocked the TSLR extract upon instruction given by the HR & CE Department. Under such circumstances, the petitioner submitted a representation seeking for permission to demolish the dilapidated building. Since the same was not acted upon, the petitioner filed W.P.No.18610 of 2024 before this Court seeking for appropriate directions. This writ petition was disposed of by an order dated 29.07.2024, directing the authorities to act upon the representation given by the petitioner.

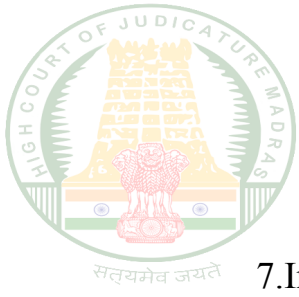
4.Pursuant to the above order, the enquiry was conducted by the 1st respondent and the 1st respondent through the impugned proceedings dated 25.04.2025 has rejected the permission sought for by the petitioner and directed the Executive Officer of the temple to approach the concerned authority seeking for demolition of the property.



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5. In the considered view of this Court, the petitioner is claiming absolute right over the subject property. In this regard, a suit has already been filed before the competent Civil Court seeking for declaration of title and the same is pending. That apart, the petitioner's mother was originally the lessee of the property and proceedings were initiated by the concerned authority under Section 78 of the HR & CE Act against the mother and other legal heirs. Under such circumstances, the 1st respondent has taken into consideration those facts and has come to a conclusion that no such permission can be granted to the petitioner, since the petitioner is already categorized as an encroacher.

6. The order passed by the 1st respondent does not suffer from any illegality warranting the interference of this Court and hence, it is left open to the petitioner to workout his remedy before the competent Civil Court in accordance with law.



7. In the result, this writ petition stands dismissed. No Costs.

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Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

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