



W.P.No.18921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.18921 of 2024

T.L.Jayakumar

...Petitioner

-Vs-

The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600 003.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondent to dispose the representation dated 25.01.2024 and consequently issue permission to demolish the buildings and shops owned to the Sri Kothandaramasamy Devasthanam, Agaram, Chennai – 600 082 and pass such further orders.

For Petitioner : M/s.Susheelagiri

For Respondent : M/s.S.Vanitha Joice Rani
Standing Counsel



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ORDER

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This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to dispose the representation dated 25.01.2024 and consequently issue permission to demolish the buildings and shops owned to the Sri Kothandaramasamy Devastanam, Agaram, Chennai – 600 082.

2. The case of the petitioner is that the petitioner is the Hereditary Trustee of Sri Kodhandaramasamy Devastanam and the Devastanam belongs to the Community Jangam Society and the said Devastanam is maintained only for the benefit of the said community and for doing service work for the poor. During the year 1876, a Gift Deed was executed among the Petitioner's forefathers and the above said Devastanam was made by the Gift Deed Doc. No.249/1876, dated 30.03.1876. Subsequently, from the Gift Deed, a Trust was formed and the Board of Trustee was maintained by two trustees and their names are Sengalvaraya Raja and Akkaya. Both brothers are the first trustees of the said Devastanam and subsequently their legal heirs by heritage and legal title are administering the said Devastanam to till date.

3. Learned counsel appearing for the Petitioner would submit that



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the petitioner decided to renovate the buildings and shops within the Devastanam, since they were old, and to reconstruct the same for the purpose of getting income for the development of Devastanam. Therefore, the petitioner made a representation to the respondent dated 25.01.2024 to vacate the tenants and for permitting them to demolish the said buildings and shops. Even after receipt of the same, no action has been taken by the respondent so far. Hence, the petitioner has come up with the present writ petition.

4. Learned standing counsel appearing for the respondent Corporation would submit that the petitioner has not submitted his stability certificate. Once the stability certificate is submitted to the respondent Corporation, the same would be considered on merits, in accordance with law, within a time frame stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. Without going into the merits of the case, this Court is inclined to pass the following directions:

J.SATHYA NARAYANA PRASAD, J.

a) The petitioner is directed to give a fresh representation enclosing the copy of the stability certificate given by the Government



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approved Engineer within a period of four weeks from the date of

WEB COPY receipt of a copy of this order.

b) On receipt of the same, the respondent shall consider the same on merits, in accordance with law, and pass appropriate orders within a period of six weeks thereof.

In the result, the writ petition stands disposed of with the above observations and directions. No costs.

20.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order

To

The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600 003.

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