



WA.No.2712 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WA.No.2712 of 2024
and
CMP.No.19852 of 2024
&
CMP.No.1505 of 2025
in CMP.No.19852 of 2024

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Park Town,
Chennai-600 003.
2. The Chief Educational Officer,
Education Department,
Greater Chennai Corporation,
Ripon Buildings, Park Town,
Chennai-600 003.
3. The Zonal Officer,
(Zone 10),
Greater Chennai Corporation,
No.64, NSK Salai,
Kodambakkam, Chennai-600 024.

... Appellants

-Vs-



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1. Shri Prasanna Venkatesa Perumal Devasthanam
Represented by its Managing Trustee,
Mr.J.Murali,
Perumal Kovil Street,
(Madhura) Mettupalayam
West Mambalam, Chennai-600 033.
2. The Head Master,
Chennai Middle School,
School Street,
Mettupalayam, Chennai-600 033.
3. The Sub Registrar,
Thiyagaraya Nagar, 27/14
Veterinary Hospital Road,
Fanepet, Nandanam, Chennai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying to set aside the interim order dated 24.06.2024 passed in
WP.No.24189 of 2021.

For Appellant : Mr.Ramanlaal
Additional Advocate General
assisted by Mrs.P.T.Ramadevi

For Respondents : Mr.K.Sharath Chandran for R1
R2-Served. No Appearance
R3-No Appearance

CMP.No.1505 of 2025

Shri Prasanna Venkatesa Perumal Devasthanam
Represented by its Managing Trustee,
Mr.J.Murali,
Perumal Kovil Street, (Madhura) Mettupalayam
West Mambalam, Chennai-600 033.

..... Petitioner



WA.No.2712 of 2024

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-Vs.-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Park Town, Chennai-600 003.
2. The Chief Educational Officer,
Education Department,
Greater Chennai Corporation,
Ripon Buildings, Park Town,
Chennai-600 003.
3. The Zonal Officer,
(Zone 10),
Greater Chennai Corporation,
No.64, NSK Salai,
Kodambakkam, Chennai-600 024.
4. The Head Master,
Chennai Middle School,
School Street,
Mettupalayam,
Chennai-600 033.
5. The Sub Registrar,
Thiyagaraya Nagar, 27/14
Veterinary Hospital Road,
Fanepet, Nandanam, Chennai.

.... Respondents

PRAYER: Petition filed under Section 151 of CPC praying to vacate the order of interim stay dated 12.09.2024 in CMP.No.19852 of 2024 in WA.No.2712 of 2024.

For Petitioner : Mr.K.Sharath Chandran

For Respondents : Mr.Vadivel Deenadayalan
Additional Government Pleader for R5



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J U D G M E N T

*[Judgement of the Court was made by **R.SUBRAMANIAN, J**]*

Heard Mr.Ramanlaal, learned Additional Advocate General appearing for the appellant and Mr.K.Sharath Chandran, learned counsel appearing for the first respondent-Temple.

2. The respondents 2 and 3 though served, are not appearing either in person nor through the counsel.

3. The first respondent-Temple filed a writ petition seeking a writ of Mandamus directing the respondents 1 and 3 viz., The Commissioner, Chennai Corporation and The Zonal Officer, Chennai Corporation to tender payment of monthly rents for the property belonging to the Temple situate at Survey No.204/1, Block No.89, Village No.3, Kodambakkam-Mambalam Taluk, School Street, Mettupalayam, West Mambalam, Chennai-33. The Writ petition was filed on the premise that the Corporation had taken on lease a land measuring about 10 grounds in the City of Chennai from the Temple on 20.07.1937 for the purposes of



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running a school. According to the Temple though rents were paid till 1969, thereafter, the Corporation had stopped paying rents.

4. The Corporation filed a counter resisting the prayer contending that there is a title dispute and the Temple is not the owner of the premises in question according to the Revenue records. A sub Division made subsequently was relied upon by the Corporation to support its clearly unreasonable stand. The Writ Court saw through the game and concluded that the Corporation having entered into the possession as a tenant cannot deny a title of the landlord in view of Section 116 of The Indian Evidence Act, 1872. It is at this stage, the Corporation budged and the learned Additional Advocate General, who appeared for the Corporation made a representation before the Court on 21.02.2023, which has been recorded by the Court as follows:-

“At this stage, Mr.R.Ramanlal, learned Advocate General appearing on behalf of the respondents submitted that the respondents are willing to negotiate the rent with the petitioner and try to settle the matter before the Mediation Center.”



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5. The matter was referred to Mediation. Since the Mediation failed and the matter was listed before the Court again. The learned Single Judge, who heard the matter after the failure of Mediation, referred to several previous orders passed by this Court and concluded that once the Corporation had accepted the lease and had paid the rents, it cannot go back and deny the title of the landlord. The learned Single Judge had also pointed out that this Court had after recording the submissions of the counsel for the Corporation giving up the claim of denial of title, referred the matter for Mediation and after the Mediation failed, the Corporation adopted an ingenious method of forming a high level committee, which would look into claim of title made by the Temple. This was seen by the Court as an attempt to wriggle out of the obligation to pay the rents. The formation of the Committee itself was found to be a method adopted to raise the bogey of Survey numbers/sub division numbers, to wriggle out the obligation to payment of rents and to postpone the inevitable. The Writ Court had recorded the events and had observed as follows:-

“4. It was a long drawn process for this Court to



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make the petitioner agree for an amicable settlement in this case. After much persuasion, this Court made the petitioner agree to permit the Corporation to acquire the property by paying a suitable compensation and accordingly, the Board of Trustees of the petitioner also held a meeting on 27.06.2023 and unanimously resolved that they do not have objection in the lands being acquired by the Corporation by paying a suitable compensation. After reaching that stage, it is not appropriate for the Chennai Corporation to again go back to square one and start with the issue regarding the so called discrepancy in Survey Number/ Sub Division. It is quite apparent that the committee is now being proposed only to postpone in inevitable (i.e.,) the payment of compensation to the petitioner.

5. In view of the above, the status report filed by the 2nd respondent to the effect that the Committee is being formed for going into the issue of resolving the variation in Survey Number/ Sub-Division, is totally unacceptable and this Court will not permit the Chennai Corporation to wriggle out of the obligation which has already been recorded by this Court in the earlier orders.”



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6. Thereafter, the Writ Court directed the Corporation to acquire the land and pay the compensation as per the guidelines value and posted the matter for reporting compliance. The Corporation ingeniously has challenged the order and has managed to obtain a stay by suppressing the earlier order that was passed by this Court. In the order dated 21.02.2023, this Court had recorded that the Corporation having been inducted as a tenant cannot deny the title of the landlord and also observed that the learned Additional Advocate General, who appeared for the Corporation had stated that the Corporation is willing to negotiate the rents with the petitioner and tried to settle the matter before the Mediation Center. This statement of the learned Additional Advocate General having been recorded by this Court is binding on the Corporation. The Corporation cannot go back on it and now claimed that there is a title dispute. Hence, this Writ Appeal is dismissed with **costs of Rs.5,00,000/- [Rupees Five lakhs only]. The costs to be paid to the Temple on or before 07.02.2025.**

7. Post on 10.02.2025 for compliance.



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8. In view of the dismissal of the Writ Appeal, connected CMPs are closed.

[R.S.M., J] [C.K., J]
24.01.2025

Index : No

Internet: Yes

Speaking Order

NCC : No

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To

The Sub Registrar,
Thiyagaraya Nagar, 27/14
Veterinary Hospital Road,
Fanepet,
Nandanam, Chennai.



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and
C.KUMARAPPAN, J

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