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W.P.No.36153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.36153 of 2024

and

W.M.P. No.39040 of 2024 in W.P.No.36153 of 2024

B.Chandrasekar

... Petitioner

Vs.

- 1.The Commissioner,
The Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
- 2.The District Collector,
4th Floor, M.Singaravellar Maligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai – 600 001.
- 3.The Zonal Officer,
The Greater Chennai Corporation,
Zone-7, Ambattur, Chennai – 600 053.
- 4.The Tahsildar,
Taluk Office, Ambattur,
Chennai – 600 053.
- 5.C.Lakshmi

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6.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.129, Uthamar Gandhi Salai
(Previously Nungambakkam High Road),
Chennai – 600 034.

7.The Joint Commissioner-I,
HR and CE Department, DPI Campus,
Egmore, Chennai.

8.The Assistant Commissioner-I,
HR and CE Department, DPI Campus,
Egmore, Chennai.

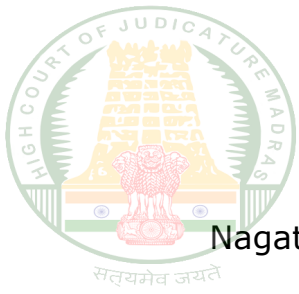
9.The District Revenue Officer,
Chennai Collectorate,
Rajaji Salai, George Town,
Chennai – 600 001.

10.The Fit Person,
Arulmigu Sri Putthu Nagathamman Aalayam
having Office at
Arulmigu Kailasanathar Thirukoil,
Padi, Chennai – 600 050

... Respondents

(R6 to R8 impleaded vide order dated
27.11.2024 made in W.P.No.36153 of 2024;
R9 and R10 impleaded vide order dated
26.03.2025 made in W.P.No.36153 of 2024)

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the order in
Ma.AA.7.Na.Ka.No.804/2024 dated 18.11.2024 on the file of the third
respondent directing demolition of the Arul Migu Sri Putthu



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Nagathamman Aalayam, KK Road, 3rd Lane, "Mayur Complex",
Nagathamman Street, Venkatapuram, Ambattur, Chennai – 600 053
and quash the same as illegal, irregular and without jurisdiction and
for consequential orders.

For Petitioner : Mr.Santhoshkumar Ravi
For Respondents : Mr.E.C.Ramesh,
Standing Counsel for R1 and R3
Mr.T.K.Saravanan,
Additional Government Pleader
for R2, R4 and R9
Mr.N.A.Nassir Hussain for R5
Mr.N.R.R.Arun Natarajan,
Special Government Pleader
for R6 to R8 and R10

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Read this in conjunction with and in continuation of our earlier
proceedings made in the previous listing on 27.11.2024 which reads as
follows:



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'W.P.No.36153 of 2024
and
W.M.P.No.39040 of 2024
in
W.P.No.36153 of 2024

M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

[Order of the Court was made by M.SUNDAR. J.,]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed assailing a 'notice dated 18.11.2024 bearing reference Ma.Aa.7.Na.Ka.No.804/2024 issued by R3 [The Zonal Officer, The Greater Chennai Corporation, Ambattur, Chennai]' {hereinafter 'impugned notice' for the sake of brevity}.

2. In and by the impugned notice, removal of an alleged encroachment has been ordered and it is in continuation of an earlier judicial order dated 20.03.2024 made in W.P.No.6633 of 2020 by another Hon'ble Division Bench and to be noted, one of us (K.Rajasekar .J) was a party to the other Hon'ble Division Bench. After this 20.03.2024 order, a trust deed dated 28.06.2024 has been registered. This trust deed dated 28.06.2024 has been registered as Document No.172 on the file of jurisdictional Sub-Registrar namely, SRO, Ambattur. One Thiru.Chandrasekaran, Son of Babu Pillai, residing at No.44B/5, Shop Cross Street, Venkatapuram, Ambattur, Chennai-600 053 styling himself as President of 'Arulmigu Sri Puttu Nagathamman Aalayam' [hereinafter 'said



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Temple' for the sake of brevity, convenience and clarity] has filed the captioned WP assailing the impugned notice.

3. In the course of hearing, learned counsel for writ petitioner made a fair submission that the structure in question is a Hindu Public Religious Institution within the meaning of Sub-Section (3) of Section 1 of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [Tamil Nadu Act 22 of 1959]' {hereinafter 'TNHR & CE Act' for the sake of brevity} and that there is no exemption under Section 4 or exclusion of application of provision/s of TNHR & CE Act under Section 5 of TNHR & CE Act. A memo to this effect is being filed by the deponent of the affidavit for himself and on behalf of the trust which has been registered in the name and style 'அருள்மிகு ஸ்ரீ புற்று நாகாத்தம்மன் ஆலயம் டிரஸ்ட்' {hereinafter 'said Trust' for the sake of brevity, convenience and clarity}.

4. After hearing parties for some time, we deem it appropriate to issue notice.

5. Issue notice to respondents.

6. Mr.E.C.Ramesh, learned Standing Counsel accepts notice for R1 and R3. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R2 and R4.

7. Issue notice to R5 returnable in six weeks i.e., returnable by 08.01.2025. Private notice permitted.

8. For the present, we make the following order:

(a) The Commissioner, 'Hindu Religious and Charitable Endowments Department' {hereinafter 'HR&CE Department' for



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the sake of brevity} No.129, Uthamar Gandhi Salai (previously Nungambakkam High Road) Chennai-600 034, Joint Commissioner-I, HR&CE Department, DPI Campus, Egmore, Chennai and Assistant Commissioner I, HR&CE Department, DPI Campus, Egmore, Chennai are impleaded as R6, R7 and R8 respectively. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader along with Mr.S.Ravichandran, learned Additional Government Pleader accepts notice for R6 to R8;

(b) R6 to R8 shall forthwith appoint a Fit Person for said Temple namely, அருள்மிகு ஸ்ரீ புற்று நாகாத்தம்மன் ஆலயம், control, administration and management of said Temple shall vest in the Fit Person. The Fit Person shall be a Government servant;

(c) Further proceedings as per TNHR&CE Act can proceed. There will be no impediment;

(d) The appointment of the Fit Person and vesting of control, administration and management of said Temple in the Fit Person of the TNHR&CE Department is consented to by writ petitioner for himself and on behalf of said trust. A memo in this regard is filed and a scanned reproduction of the same is as follows:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)
W.P. 36153/2024

B. Chandrasekar

... Petitioner

Vs.

The Commissioner, Greater Chennai Corporation And Ors.

...

Respondents

MEMO FILED BY THE PETITIONER

The Petitioner is the President of Arulmigu Sri Putthu Nagathamman Alayam Temple. The Petitioner has executed the affidavit in support of Writ Petition No. 36153/2024. When the matter came up for admission, the Hon'ble Court took cognizance of the fact that the temple would fall under the purview of the Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu.

The Petitioner states that the Trust was created by the residents of the locality who were maintaining the temple on account of the failure of the HR & CE to protect the interests of the temple. If the HR & CE takes care of the interests of the temple and the worshippers, the Trust and its members shall have no objection to the appointment of a Fit Person/Executive Officer by the Tamil Nadu Hindu Religious and Charitable Endowments Department to take care of the affairs of the temple.

The Petitioner assures to provide full cooperation to the Department, as and when called upon.

Dated at Madras on this the 27th day of November, 2024


Petitioner



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2nd set
MSJA/KBSJ
29/11/24

IN THE HIGH COURT OF
JUDICATURE AT MADRAS
(Special Original Jurisdiction)
W.P. 36153/2024

B. Chandrasekar
... Petitioner
Vs.
The Commissioner, Greater
Chennai Corporation And Ors.
... Respondents

MEMO FILED ON BEHALF OF
THE PETITIONER

RECEIVING
WRIT
29 NOV 2024
SECTION
MADRAS

Counsel for
V. Srimathi
PETITIONER

(e) Parties along with their respective counsel including State Counsel shall convene a meeting, explore the possibility of retaining a small part for worship in such a manner that access road is not obstructed and worship also can go on as we are informed that a small part of said Temple is situate in patta land (to



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be noted, it was fairly admitted that structures across the road have also been put up). We requisition a report from respondents namely, Chennai Corporation, Revenue Department and TNHR&CE Department by next listing;

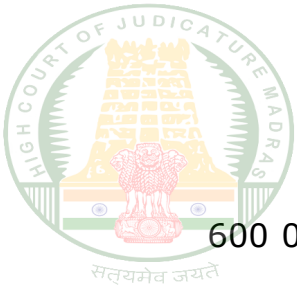
(f) Status quo as regards alleged offending structure as of today shall be maintained until next listing which will be six weeks hence;

(g) We make it clear that status quo is restricted to superstructure and not other proceedings.

List on 08.01.2025 under the cause list caption 'FOR REPORT'.'

2. Today Mr.Santoshkumar Ravi, learned counsel on record for writ petitioner, Mr.E.C.Ramesh, learned standing counsel for Greater Chennai Corporation (GCC) for R1 and R3, Mr.T.K.Saravanan, learned Additional Government Pleader for R2 and R4, Mr.N.A.Nassir Hussain, learned counsel for R5 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for R6 to R8 are before us.

3. Pursuant to our earlier proceedings, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader has placed before us a report of R8 dated 05.02.2025. A perusal of the report brings to light that Executive Officer of Arulmigu Kailasanathar Thirukoil, Padi, Chennai –



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600 050 has already been appointed as Fit Person for said temple i.e., Arulmigu Sri Putthu Nagathamman Aalayam, situate at No.44/5, Shop Cross Street, Venkatapuram, Ambattur, Chennai – 600 053 and he has taken charge of said temple on 06.01.2025. To be noted, learned counsel for writ petitioner also confirms this position.

4. Learned standing counsel for GCC submits that joint inspection of the site by the officials of GCC and revenue officials (Deputy Tahsidlar and Surveyor) was held on 27.12.2024.

5. Sub-paragraph (3) of paragraph 8 of our earlier proceedings dated 27.11.2024 is relevant and in this view of the matter, we implead District Revenue Officer, Chennai Collectorate, Rajaji Salai, George Town, Chennai – 600 001 as R9 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R9. We implead Fit Person, Arulmigu Sri Putthu Nagathamman Aalayam having Office at Arulmigu Kailasanathar Thirukoil, Padi, Chennai – 600 050 as R10 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader accepts notice for R10.



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6. In the light of the narrative thus far, the following order is made:

6.1 R9 shall now convene a meeting within next four weeks i.e., on or before 23.04.2025. The meeting shall be to explore the possibility of arriving at a solution as set out by us in paragraph 8(e) of our earlier proceedings dated 27.11.2024;

6.2 R9 shall put all concerned on notice (about meeting) more particularly, writ petitioner, R3, R4, R5, R8 and R10;

6.3 Notice (about meeting) shall be served on the parties concerned at least five working days prior to the date of the meeting;

6.4 Notice shall clearly set out the date, time and venue of the meeting;

6.5 Every effort shall be made by all concerned to



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arrive at a solution vide paragraph 8(e) of our earlier proceedings dated 27.11.2024 ;

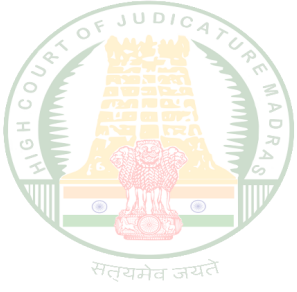
6.6 Minutes of the meeting shall be drawn up and served on all parties concerned;

6.7 If conclusions are arrived at, resolution shall be drawn up and the same shall also be served on all concerned;

6.8 Coercive proceedings (if any and if that be so) shall be post meeting and subject to resolutions if any in the meeting;

6.9 We make it clear that we leave open all questions and all the rights and contentions of all the parties;

6.10 If no conclusion is arrived at, it is open to the parties to come back to this Court by way of a



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suitable petition.

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7. Captioned WP is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
26.03.2025

Index : Yes / No
Neutral Citation : Yes/No
mmi

P.S.: *Though captioned WP is disposed of, list under the cause list caption 'for ATR' on 28.04.2025.*

To

1.The Commissioner,
The Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

2.The District Collector,
4th Floor, M.Singaravellar Maligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai – 600 001.

3.The Zonal Officer,

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The Greater Chennai Corporation,
Zone-7, Ambattur, Chennai – 600 053.

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- 4.The Tahsildar,
Taluk Office, Ambattur,
Chennai – 600 053.
- 5.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.129, Uthamar Gandhi Salai
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- 6.The Joint Commissioner-I,
HR and CE Department, DPI Campus,
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- 7.The Assistant Commissioner-I,
HR and CE Department, DPI Campus,
Egmore, Chennai.
- 8.The District Revenue Officer,
Chennai Collectorate,
Rajaji Salai, George Town,
Chennai – 600 001.
- 9.The Fit Person,
Arulmigu Sri Putthu Nagathamman Aalayam
having Office at
Arulmigu Kailasanathar Thirukoil,
Padi, Chennai – 600 050

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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