



W.P.No.37193 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

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C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.37193 of 2025
and W.M.P.No.41627 of 2025

V.Selvamani

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam, Chennai-600 034.

2.The Executive Officer,
Arulmighu thirukachi Nambigal Varadharaja Perumal Koil trust,
Poonamallee, Chennai-600 056.

3.The Regional Director of Municipal Administration,
Municipal Administration Office Building,
Tambaram, Chennai-600 045.

4.The Commissioner,
Poonamallee Municipality,
Poonamallee, Chennai-600 056.

5.V.Shanmugam

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to immediately take appropriate action against the illegal construction being put



W.P.No.37193 of 2025

up by the 5th respondent in S.No.120 and S.No.121 in Poonamalle village and taluk, Tiruvallur District belonging to Arulmighu Thirukachi Nambigal Varadharaja Perumal Koil Trust, Poonamallee, within the time frame as maybe stipulated by this Honourable Court.

For Petitioner : Mr.R.Santhanaraman
for Mr.J.Manobalaji

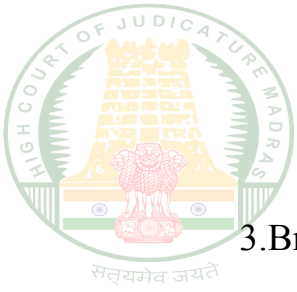
For Respondents : Mr. S.Ravichandran,
Additional Government Pleader,
for R-1 & R-2.

: Mr.M.s.Premkumar,
Government Advocate,
for R-3 & R-4.

ORDER

This Writ Petition has been filed seeking a direction to respondents 1 to 4 to take appropriate action as against the 5th respondent in view of the unauthorized construction made in the property belonging to the second respondent temple.

2. Mr.S.Ravichandran, learned Additional Government Pleader (HR & CE) takes notice on behalf of respondents 1 & 2 and Mr.S.Prem Kumar, learned Government Advocate, takes notice on behalf of respondents 3 & 4. As no adverse order is being passed as against the 5th respondent, notice to the 5th respondent is dispensed with.



W.P.No.37193 of 2025

3. Brief facts that are necessary for disposal of this Writ Petition are:-

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The subject property in this Writ Petition belongs to ArulmighuThirukachiNambigalVaradharaja Perumal Koil Trust, Poonamallee which is under the control of the 1st respondent herein. The petitioner is in possession and enjoyment of the said property by way of lease agreement. Whiles, the brother of the petitioner who is the 5th respondent herein, also being a resident in his respective of the property had illegally put up a construction by demolishing the compound wall and other common utilities without any due intimation to the petitioner and without obtaining any prior permission from the official respondents. In this regard, the petitioner had submitted a representation dated 09.09.2025 to respondents 1 to 4 requesting to take appropriate action against the 5th respondent for his illegal act. However, no action has been taken on the same so far. Hence, the Writ Petition has been filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues a direction to the official respondents to consider the petitioner's representation dated 09.09.2025 and pass orders on the same within the time that may be stipulated by this Court.



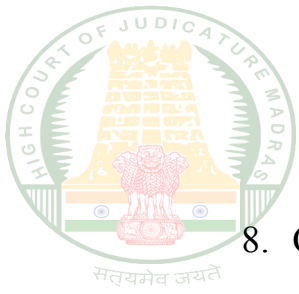
W.P.No.37193 of 2025

WEB COPY 5. Learned Government Advocate appearing for respondents 3 & 4

submitted that proceedings have been initiated as against the 5th respondent under Sections 56, 57 & 80-A of Tamilnadu Town and Country Planning Act, 1971 and that necessary action will be taken against the 5th respondent by conducting appropriate enquiry in this regard.

6. On the above contentions, this Court heard the learned Special Government Pleader appearing for respondents 1 & 2 and perused the materials available on record.

7. The main grievance espoused by the petitioner is that his brother who is the 5th respondent herein had illegally constructed in the front portion of the property as well as in the common pathway thereby preventing the petitioner's ingress and egress to reach his property and that the said construction has been put up by the 5th respondent without obtaining any prior permission from the respondent authorities.



W.P.No.37193 of 2025

8. Considering the facts and circumstances of the case as also the aforesaid submissions made by the learned counsel appearing on either side, the official respondents are directed to conduct an enquiry with the 5th respondent with regard to the alleged illegal construction in the subject property which is coming under the control of HR & CE Department and pass appropriate orders in accordance with law within period of twelve (12) from the date of receipt of a copy of this order after affording an opportunity of hearing to the petitioner and any other interested parties.

9. This Writ Petition stands disposed with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

26.09.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



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W.P.No.37193 of 2025

M.DHANDAPANI, J

Nhs

To

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