



WP No.39906 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.39906 of 2025
and WMP No.44839 of 2025

G.Gouthaman

.. Petitioner

-VS-

1. The Commissioner,
Hindu Religious & Charitable Endowments
Department (HR & CE), Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Department (HR & CE), Chennai Region-1,
Nungambakkam, College Road, Chennai 600 006.
3. The Executive Officer
of Arulmigu Selva Sundara Vinayagar Temple,
Having Office at Arulmigu Aranganatha
Swamy Thirukkoil, No.48, Mulla Street,
Chennai 600 079.
4. The Commissioner,
Chennai Corporation,
Ripon Buildings, Poonamallee High Road,



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Chennai 600 003.

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5. The District Collector,
Singaravelar Maligai,
62, Rajaji Salai, Chennai 600 001.
6. The Tahsildar,
Purasawalkam Taluk,
3, Raja Muthaiah Salai,
Purasawalkam, Chennai 600 003.
7. Superintending Engineer,
Tamil Nadu Electricity Board,
97, MGR Salai, 110/33/11, KV Valluvar Kottam
SS Complex, Nungambakkam,
Chennai 600 034.
8. The Assistant Engineer,
O & M Park Town CEDC/Central/TANGEDCO,
Chennai 600 003.
9. Santhosh Kumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents No. 2, 3 and 5 to 7 to reconstruct the Arulmigu Selva Sundara Vinayagar Temple situated at No. 142, NSC Bose Road, Chennai 79 in its original size to remove the encroachments including the EB transformer in 400.28 sq.ft temple land situated in Survey Numbers 8534/2, 8534/3 and 8535/4 in Ward No.001, VOC Nagar, Purasawalkam Taluk, Chennai District and to construct a safety compound wall for the temple land and the pond within a time frame.



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For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.NRR Arun Natarajan
Spl. Govt. Pleader for RR 1 to 3
: Mr.G.T.Subramanian
Stdg. Counsel for R-4
: Mr.T.K.Saravanan
Addl. Govt. Pleader for RR 5 and 6
: No appearance for RR 7 and 8

* * * * *

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This petition is filed by the petitioner, a devotee, taking serious exceptions to the action of the respondent/Corporation in removing the temple and converting it for the use of the Corporation.

2. According to the petitioner, as stated in the affidavit, the land comprised in S.Nos.8534/2, 8534/3 and 8535/4, belonged to Arulmigu Selva Sundara Vinayagar Temple. However, in course of time, the temple, which was in a dilapidated condition, in its need of recovery and reconstruction, was removed and the Corporation has started using it and therefore, this petition has been filed. The petitioner has



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also alleged that there are certain encroachments on temple land.

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3. On the last date of hearing, learned counsel for the respondents made a submission, which we recorded, that the construction of temple is under way. As far as the encroachment is concerned, time was sought to inform as to what action was taken.

4. Now, a status report, which has been filed by the third respondent before this Court, shows that the construction work is under way. In the status report, in paragraph 6 thereof, it has been clearly stated that the construction of the Temple Sannathi and Arthamandapam is 60% complete and the construction would be completed in two months. It is also stated that steps have been taken to conduct Kumbhabhishekam within three months.

4.1. As far as the allegation of encroachment by the Tamil Nadu Electricity Board is concerned, in paragraph 8 of the affidavit, it has been stated that a joint inspection was made, based on which, an inspection report dated 14.08.2025 was issued by the Tahsildar, Purasaiwalkam Taluk, wherein it has been found that the Tamil Nadu



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Electricity Board has not encroached upon the temple land and that the transformer is placed only on the land belonging to Chennai Corporation. This is also clear from the map filed by the Sub Inspector of Survey, Purasaiwalkam Taluk, Chennai. The temple land is found to be placed on record as S.Nos.8534/2, 8534/3 and 8535/4. The transformer has been found on another land, which is outside the temple land.

4.2. Moreover, it has also been stated that the owner of the adjacent land in S.No.8535/1, has, to some extent, encroached upon the temple land and therefore, notices have also been issued to the land owner for removal of encroachment and further action would be taken under the HR & CE Act to remove the encroachment.

5. Though in the affidavit of the petitioner, it has been stated that the land comprised in S.No.8535/3 also belongs to the temple, there is no material on record. As per the map of Sub-Inspector of Survey, the temple lands are comprised only as S.Nos.8534/2, 8534/3 and 8535/4, and the land in S.No.8535/3, though adjacent, does not belong to temple.



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6. Learned counsel for the petitioner submitted that the respondents have not stated anything with regard to encroachment on pond.

6.1. At the first place, in the petition itself, there is no specific pleading with regard to the encroachment on pond. Even otherwise, if there is any specific complaint in that regard giving clear details of encroachment made by any person and the name of such encroacher to the HR & CE officials, appropriate action would be required to be taken.

7. After going through the status report, which has now been filed before us, we are not inclined to proceed further with the matter. The construction, which is under way as stated in the status report, shall have to be completed within a period of two months. The notice for removal of encroachment shall also be brought to its logical conclusion within the outer limit of three months and any encroachment found, shall be removed.



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7.1. If, in future, any encroachment is made on the temple land or the pond, it shall always be open for the petitioner or any other person/devotee to submit a complaint before the competent authorities of HR & CE Department.

With the aforesaid observations, the petition is disposed of. There shall be no order as to costs. Consequently, the interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (G.ARUL MURUGAN, J.)
03.11.2025

Index : Yes/No
Neutral Citation : Yes/No

sra

To

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Hindu Religious & Charitable Endowments
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Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Department (HR & CE), Nungambakkam,



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College Road, Chennai 600 006.

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THE HON'BLE CHIEF JUSTICE
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