



WP No. 46624 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

**WP No. 46624 of 2025
& WMP.No.52013 of 2025**

D.Vivek

Petitioner(s)

Vs

1. The District Collector
Rajaji Salai, Fourth Floor, Singaravelar
Maaligai, No.62,Beach Road, George
Town, Chennai- 600 001.

2.The Commissioner
Corporation Of Chennai, Rippon
Building, Chennai- 600 003.

3.The Commissioner
Hindu Religious And Charitable
Endowments Board, 119, Uttamar
Gandhi Road, Nungambakkam,
Chennai-600 034.

4.The Deputy Commissioner
Hindu Religious And Charitable
Endowments Board, 119, Uttamar
Gandhi Road, Nungambakkam,
Chennai-600 034.

5.The Sub Registrar
Office Of Sub Registrar, Mylapore,
Chennai- 600 004.

6.THULASIRAMAN

7.BHOOPATHI



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8.RANI

9.B.Boopendran

10.V.Mohana Devi

11.R.Gayathri Devi

12.The Bakers Choultry Trust

No.49/23, Kapaleeswarar Koil South
Mada Street, Mylapore, Chennai- 600
004.

Respondent(s)

PRAYER

Directing Respondents No.1to 5 to forthwith restrain forthcoming alienation or encumbrance in the trust property, Bakers Choultry Trust situated in Survey No.3533 of Mylapore Village (part-2), Block No.69, Mylapore Taluk, Municipal Door No.49/23, Kapaleeswarar Koil South Mada Street, Chennai district- 600 004 and thereby direct to take appropriate action under HR and CE Act and restore the said trust property, and consequently to forbear respondents No.6 to 11 herein, their agents, representatives or any persons from claiming any rights, title or interest as per the illegal settlement deeds.

For Petitioner(s): Mr.Harish Kumar

For Respondent(s): Mr.N.R.R.Arun Natarajan
Special Government Pleader for RR3 & 4
Mr.R.Sasikumar
Government Advocate for R5
Mr.M.Murali
Government Advocate for R1

ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing respondents 1 to 5 to forthwith restrain, forthcoming alienation or encumbrance in the trust property, Bakers Choultry Trust situated in Survey No.



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3533 of Mylapore Village (part-2), Block No.69, Mylapore Taluk, Municipal Door No.49/23, Kapaleeswarar Koil South Mada Street, Chennai District- 600 004 and thereby direct to take appropriate action under HR and CE Act and restore the said trust property, and consequently to forbear the respondents 6 to 11 herein, their agents, representatives or any persons from claiming any rights, title or interest as per the illegal settlement deeds.

2.Heard Mr.Harish Kumar, learned counsel for the petitioner and Mr.Arun Natarajan, learned Special Government Pleader for respondents 3 and 4, Mr.R.Sasikumar, learned Government Advocate for the 4th respondent and Mr.M.Murali, learned Government Advocate for the 1st respondent.

3.The petitioner, who is a resident of Mylapore, Chennai, claims that the Trust by name the Baker's Choultry Trust owns properties, which have been dedicated to Sri Kapaleeswarar temple, right from the year 1834 for performance of various religious charities. The Trust includes a choultry and also shops, income accruing from which is used for feeding Brahmins and poor, during religious festivals. The learned counsel for the petitioner would invite my attention to the order of the Hon'ble Supeme Court in SLP(C).Appeal No. 4676 of 2010 dated 03.09.2019, where, in an appeal preferred by the



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respondents 6 and 7 in this writ petition, the Hon'ble Supreme Court, taking note of the rock inscription found in the temple premises, has categorically held that it is the case of a specific endowment and the appellants cannot claim any right in the said property and the appeal filed by the private respondents was dismissed.

4.It is the grievance of the writ petitioner that despite specific orders of the Hon'ble Supreme Court, the private respondents are going about executing documents, like settlement deeds and virtually defraying the property belonging to the Trust. The learned counsel for the petitioner would therefore seek for suitable directions to be issued to the Department to take swift action against the erring respondents, namely the private respondents.

5.The learned counsel for the petitioner would also invite my attention to the proceedings on the file of the Commissioner, HR & CE, Chennai on 02.03.1994, where the father of the respondents 6 and 7 approached the Commissioner by way of appeal, dissatisfied with the order passed by the Deputy Commissioner, HR & CE. Even before the officials, the case put forth by the private respondents has been rejected. He would therefore state that there is no impediment for the officials to take action on the private respondents, who are defraying the properties belonging to the choultry.



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6.Mr.N.R.R.Arun Natarajan, learned Special Government Pleader would submit that the fact that the Hon'ble Supreme Court has declared the endowment to be a specific endowment and therefore, there can be no second opinion with regard to the protection of the property, which is the subject matter of the specific endowment. He would further submit that though the petitioner has addressed his representations, the Joint Commissioner III, HR & CE, Chennai, who is the competent authority to take action, in this regard, is not made a party in the writ petition.

7.In the light of the above, I am inclined to direct the petitioner to submit a detailed representation to the Joint Commissioner III, HR & CE, Chennai, marking a copy to the Commissioner, HR & CE, Chennai, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation from the writ petitioner, the Joint Commissioner III, HR & CE, Chennai, shall immediately address a communication, without any further delay, preferably within a period of one week thereafter to the Sub Registrar concerned to not entertain any registrations concerning the properties belonging to Baker's Choultry Trust and that apart, the Joint Commission shall also take suitable action against the private respondents, who have committed several



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irregularities, based on the representation/complaint to be given by the petitioner, in accordance with law.

8. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Connected Writ Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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