

News

The Madras High Court has ordered action against a Christian shrine erected on a pavement, stating that roads lack religious character.



According to reports, Mother Velankanni's temple was founded in 1995.

After determining that the roadside shrine honoring Mother Velankanni was built on a public road, the Madras High Court recently ordered the Greater Chennai Corporation to swiftly end its legal action against it [A Sarath Vs Commissioner].

According to Justice V. Lakshminarayanan, a new cause of action arises each time an unauthorized building is left on a public thoroughfare.

The Court further stated that Section 128 of the Tamil Nadu Urban Local Bodies Act requires municipal authorities to remove such encroachments.

"A street or a road has no religious significance. The bench stated that the Commissioner is legally obligated to remove any superstructure that encroaches on a public space, regardless of whether it is religious or not."

A Sarath, who had bought a home in November 2024, filed the petition that resulted in the order. He was told at the time of purchase that the elevated building next to the entry was only temporary.

A statue of Mother Mary and a tall pillar with an amplifier were later added to the building. Additionally, a neighboring home provided an electrical connection.

The petitioner filed a complaint with the Greater Chennai Corporation in September 2025, claiming that the building blocked the entry to his home and hindered pedestrian traffic on the public walkway. He petitioned the High Court for a mandamus to enforce his complaint when nothing was done.

The Greater Chennai Corporation examined the site while the case was pending and determined that the shrine was situated on **"Sarkar Poramboke"** land, which is categorized as a public road according to the Town Survey Land Records.

On January 19, the alleged enroacher R Daniel, who claimed to have founded and maintained the shrine since 1995, received a seven-day notice from the Regional Deputy Commissioner (Central).

Daniel testified before the court that he and others had founded the shrine in 1995 and that it had been peacefully operating for almost thirty years. He contended that the shrine has grown to be **"a place of faith, hope, and emotional strength"** for the locals and that its destruction might upset the peace in the community.

The Court rejected his justification and ruled that prolonged illegality did not grant legality.

It stated, ***"The argument that the idol has been around for more than 30 years is not at all a defense."***

The Court further noted that it is always unlawful to intrude on a public road.

The bench declared, "Every minute, nay, second that an illegal superstructure is on a street or public road gives the Commissioner a fresh cause of action to invoke his power under Section 128 of the Act."

The Court granted the writ petition and instructed the authorities to carry out their current actions with full vigor and issue a suitable order by February 10 at the latest. It explained, "***The Regional Deputy Commissioner (Central) shall wait for any response that Mr. Daniel may provide to the notice issued under Section 128(1)(b) of the Act.***"

On February 11, the issue was posted for compliance.

Advocate B Kaarvannan represented the petitioner.

The responders were represented by advocates C Ramesh and R Udaykumar.

The private respondent was represented by Advocate S. Baskar.