



W.P.No.35416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

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Ameerunissa Begum Sahiba's Endowments
Committee,
rep. By its President,
Having office at
No.165/76, Bharathi Salai,
Triplicane, Chennai-600 005

...Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008

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

3.The Executive Engineer, Zone-5,
Greater Chennai Corporation,
No.105, Basin Bridge Road,
Royapuram, Chennai-600 079



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4.N.M.Sadiq Basha

5.N.M.Mahaboob Basha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 to consider the representation of the petitioner dated 18.09.2023 to take appropriate action against the respondents 4 and 5 for unauthorized construction of the building on the Waqf property at O.S.No.329 R.S.No.390 of Triplicane Village, Chennai District, situated at 14/9, Burrah Street, Anna Salai, Chennai-600 002 measuring an extent of 1131 sq.ft and demolish the same.

For Petitioner	: Mr.I.Kowser Nissar
For Respondents	: Mr.C.Manoharan Panel Counsel for R1 Mr.E.L.Ramesh for R2 & R3 Ms.A.Ajimathibegam for R4 & R5

ORDER

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

The Writ Petition has been filed to direct the respondents 1 to 3 to consider the representation of the petitioner dated 18.09.2023 to take appropriate action against the respondents 4 and 5 for unauthorized



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construction of the building on the Waqf property at O.S.No.329 R.S.No.390 of Triplicane Village, Chennai District, situated at 14/9, Burrah Street, Anna Salai, Chennai-600 002 measuring an extent of 1131 sq.ft and demolish the same.

2. It is the case of the petitioner that the respondents 4 and 5, had illegally obtained possession of the aforementioned Waqf property from one Dawood Basha, a tenant under the endowment, by way of oral HIBA and a subsequent declaration. Without attornment of tenancy or permission from the endowment, the said respondents demolished the existing superstructure and put up new construction without obtaining any approval from the executive Managing Committee, the Tamil Nadu Waqf Board, CMDA. Despite the petitioner's representation dated 18.09.2023 to the respondents 1 to 3 seeking demolition of the illegal and unauthorized construction, no action has been taken till date. Hence, the present Writ Petition is filed seeking appropriate directions.

3. Heard the learned counsel for the petitioner and the learned counsels appearing for the respondents.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents 1 to 3 to consider the representation of the petitioner dated 18.09.2023, seeking demolition of the illegal and unauthorized construction, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of six (6) months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, private respondents herein and any other



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person who may be interested in the subject matter.

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6. With the above direction, this Writ Petition stands disposed of.

No costs.

[M.S.R., J] [R.S.V., J]

17.10.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008

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

3.The Executive Engineer, Zone-5,
Greater Chennai Corporation,
No.105, Basin Bridge Road,
Royapuram, Chennai-600 079

4.The Public Prosecutor,
High Court, Madras.

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