

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.23461 of 2015

B. Hyder Mohammadan Muslim's Burial Ground (Wakf)  
represented by its Secretary  
Mr. B. Shabbeer Ahmed  
No.109, Dr. Ambedkar College Road  
Vyasarpadi, Chennai 600 012

Petitioner

vs.

The Commissioner  
Corporation of Chennai  
EVR Periyar Salai  
Ripon Buildings  
Park Town  
Chennai 600 003

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to consider the petitioner's representation dated 06.05.2015 and subsequently, remove the encroachment on lands comprised in Survey No.154/1, 154/2, Ward No.70, Dr. Ambedkar College Road, Vyasarpadi, Chennai 600 012.

For petitioner Mr. Mohammed Fayaz Ali  
For respondent Ms. Karthikaa Ashok  
Standing Counsel

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Ms. Karthikaa Ashok, learned Standing Counsel, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner wakf is a burial ground. Alleging that some anti-social elements have erected some huts in front of it, sans any approval from the respondent, it has made a representation dated 06.05.2015 to the respondent, seeking removal of encroachment. Since the said representation has not yet been acted upon, the petitioner has come up with the instant writ petition, seeking a mandamus to the respondent to consider its representation dated 06.05.2015 within a time-frame and to remove the alleged encroachment.

3 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the respondent to consider and pass orders on the petitioner's representation dated 06.05.2015 on its own merit and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the alleged encroachers be given an opportunity of being heard before any coercive action is taken against them, if on enquiry, it comes to light that there exists such encroachment, as alleged by the petitioner.

4 With the above direction and observation, this writ petition stands disposed of. Costs made easy.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

The Commissioner  
Corporation of Chennai  
EVR Periyar Salai  
Ripon Buildings  
Park Town  
Chennai 600 003

+1cc to M/s.Karthikaa, Advocate, S.R.No.39731

ALA(CO)  
EU(17/07/2015)

W.P. No.23461 of 2015

WEB COPY