



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD).No.14500 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

S.Najibkhan

:Petitioner

vs.

1.The District Collector,
Ramnathapuram District.

2.The Tahsildar,
Kadaladi Taluk,
Ramnathapuram District.

: Respondents

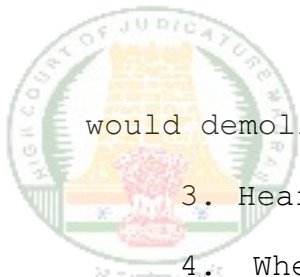
Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari, to call for the records in impugned order in Na.Ka.P.1.1228.2013, dated 12.08.2013, passed by the 2nd respondent and quash the same.

For Petitioner :Mr.M.V.Venkataseshan
For Respondents :Mr.M.Murugan
Govt.Advocate

O R D E R

Assailing the correctness of the impugned order of demolition of Mosque, dated 12.08.2013, issued by the 2nd respondent, the present Writ Petition has been filed.

2. The case of the petitioner is that the land in S.No.173/3 belonged to one Perumal Nadar and by registered sale deed, dated 18.08.1987, he sold the same to one Muthu Ekali, who in turn, sold the same to Mrs. Kolusu Beevi and Mrs.Amitha Beevi. In the meantime, due to resurvey and UDR Scheme, the survey number of subject land has been changed from 173/3 to S.No.79 and thereafter, to the Present S.No.394/1,2,3. The said Kolusu Beevi and Amitha Beevi gifted an extent of 1200 Sq.ft of land out of 550 Sq.ft and the same was registered before the Sub Registrar, Kadaladi, as Doc.No.216 of 2013 and thereafter, a Mosque was put up by the petitioner and other Jamathars. While so, on 12.08.2013, the 2nd respondent has called upon the petitioner to demolish the Mosque, as if there was an encroachment by the Pallivasal. Thereafter, the petitioner approached the District Collector, Ramnad District and on intervention of the District Collector, the demolition action was deferred. On receipt of legal notice dated 01.08.2015, sent by the petitioner to the respondents, the 2nd respondent came to the Mosque stating that, the earlier order, dated 12.08.2013 should be complied, within 7 days, failing which, they



would demolish the Mosque. Hence, the present writ petition.

3. Heard both sides.

4. When the matter is taken up for consideration, the learned Government Advocate submitted that the first respondent has instructed the 2nd respondent to conduct an enquiry with regard to encroachment made by the petitioner Jamath. He has also produced a copy of the proceedings of the 1st respondent, dated 6.8.2015. In view of the proceedings of the 1st respondent, dated 6.8.2015, this Court passes the following order:-

"The petitioner is directed to appear for enquiry before the 2nd respondent along with all the documents to substantiate his claim. On appearance of the petitioner, the 2nd respondent is directed to conduct an enquiry, by considering the documents to be produced by the petitioner, and pass appropriate orders, on merits and in accordance with law, within a period of three weeks, thereafter. Till such time, the respondents are directed not to initiate any action.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

The Assistant Registrar(Per.Admn)

/True copy/

Sub-Assistant Registrar

To

1.The District Collector,
Ramnathapuram District.

2.The Tahsildar,
Kadaladi Taluk,
Ramnathapuram District.

+1cc to Mr.M.V.Venkataseshan, Advocate SR.No.46559

+1cc to special Government Pleader SR.No.46707

mpk

sm:JGB:LIB:25.8.2015:2P/5C

W.P. (MD) .No.14500 of 2015
13.08.2015