

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.6.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.19676 of 2016

Al-Noor Jumma Pallivasal
Rep. by its President J.Seeni Mohammed
New No.22, Old No.70/2
Nelson Manickam Road
Aminjikarai, Chennai 29. ... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.
2. The Executive Engineer
Enforcement- Regional Office -Central
Corporation of Chennai
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030.
3. The Commissioner of Police
Chennai City
Vepery, Chennai.
4. The Inspector of Police
K-3, Aminjikarai Police Station
Chennai 600 029.

5. Fyrose Noormohammed ... Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of Certiorari calling for the records
pertaining the notice in Ref.No.Regional Central/
TPENF/1609/2016 dated 04.4.2016 of the second respondent and
quash the same.

For Petitioner : Mr.S.Mohan
For Respondents 1 & 2 : Mr.R.Arunmozhi

O R D E R

(Made by Huluvadi G.Ramesh,J)

The petitioner seeks a writ of Certiorari calling for the records pertaining the notice in Ref.No.Regional Central/TPENF/1609/2016 dated 04.4.2016 of the second respondent and quash the same.

2. Heard Mr.S.Mohan, learned counsel for the petitioner and Mr.R.Arunmozhi, learned Standing Counsel takes notice for the Corporation.

3. The second floor of the land in question, which was vacant in 2011, was given on rent by Mrs.Habeesha Begum, to the Tamil Nadu Muslim Munnetra Kazhagam and Manithaneyya Makkal Katchi, for running their branch office, by putting up roof by themselves. At that time, Mrs.Habeesha Begum promised to obtain permission from the Corporation of Chennai for putting up of the shed in the second floor. During March 2012, Mrs.Habeesha Begum, along with her one son and two daughters, one of whom is the fifth respondent herein, sought to establish a mosque in the second floor. Hence, the organization vacated their office and they established a mosque with the funds collected from the muslims and by way of donations. The mosque started functioning from 20.4.2012. During September 2015, Mrs.Habeesha Begum asked the petitioner to vacate the mosque, as she wanted to dispose of the property to third parties. In the meantime, the fifth respondent filed a suit for permanent injunction against the petitioner and two others, on the ground that she is owner of the property by virtue of a release deed executed in the year 2013 and obtained an ex-parte order of injunction in April 2016. By the notice impugned in this writ petition, the second respondent has issued locking and sealing and demolition notice and therefore, the fifth respondent has filed CrI.O.P.No.10858 of 2016 seeking police aid to remove the shed and also obtained an order directing the third respondent to give police protection to remove the shed within 15 days from the date of the said order. Therefore, the petitioner has come up with the above writ petition.

4. According to the petitioner, they have established the Mosque as requested by Mrs.Habeesha Begum and her son and daughters and the said mosque is functioning from 2012. The fifth respondent, without the knowledge of the mosque authorities, obtained demolition notice from the Corporation and also obtained police protection for removal of the shed.

Further, the applications to vacate the order of exparte interim injunction and to appoint a Commissioner, filed by the petitioner are yet to be disposed of.

5. At this juncture, it is submitted by the learned counsel for the petitioner that Ramzan fasting has commenced from 07.6.2016 and the mosque Committee has arranged for five time prayers, religious discourses at night, iftar parties for 30 days and therefore, if the mosque is demolished, it would cause immense hardship to the local Muslims and hence, he undertakes to shift the mosque elsewhere, once Ramzan month is over.

6. In view of the undertaking given by the petitioner, it is hereby ordered that

(i) the Commissioner of Corporation shall not take any action with respect to the demolition of the mosque, for a period of three months from today;

(ii) the petitioner, on completion of the Ramzan month, shall shift the mosque elsewhere and submit a report to the Corporation in this regard, within a period of three months from today; and

(iii) the petitioner shall not take advantage of this order, as this concession is given only to enable the petitioner and others who are coming to the mosque for prayer during the month of Ramzan.

There will be no order as to costs. Consequently, WMP Nos.17021 and 17022 of 2016 are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

WEB COPY

2. The Executive Engineer
Enforcement- Regional Office -Central
Corporation of Chennai
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030.

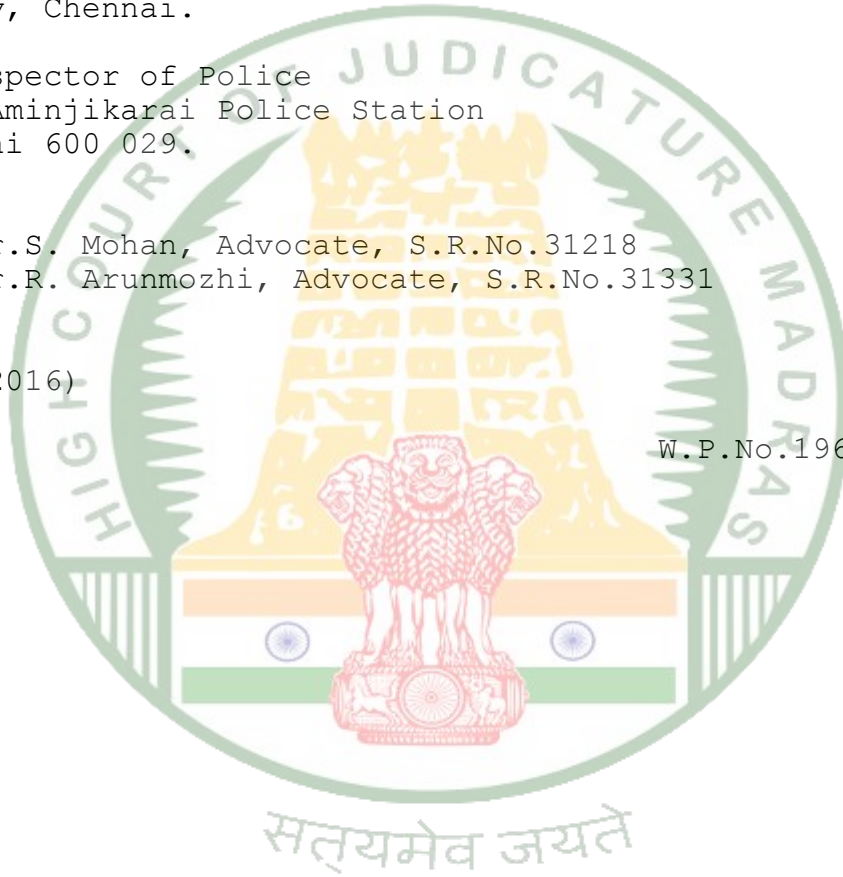
3. The Commissioner of Police
Chennai City
Vepery, Chennai.

4. The Inspector of Police
K-3, Aminjikarai Police Station
Chennai 600 029.

+1cc to Mr.S. Mohan, Advocate, S.R.No.31218
+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.31331

BVR(CO)
EU(23/06/2016)

W.P.No.19676 of 2016.



WEB COPY