

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.35867 of 2016

Muhammad Mujeebur Rahman
Secretary, Nawab Fazeelathunnisa
Begum Saheba Mosque & Endowment
(Wakf), Chennai.

... Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai.
2. The Zonal Officer,
Corporation of Chennai,
118, Dr.Muthulakshmi Salai,
Adyar, Chennai 20.
(R-2 amended as per order dt.
20.10.2016 in WP..35867 of 2016)
3. The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai.
4. Assistant Executive Engineer,
Corporation of Chennai,
Adyar Zone XIII, L.B. Road,
Adyar, Chennai 20.
5. The Tamil Nadu Wakf Board,
Rep. By Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.
6. Zainulabuddin
7. M.A.Hakeem
8. Ghulam Mohammed
9. Mohammed Khasim
10. Sheik Munavar

11.Ghiasunnisa Begum
12.Parveen Pappa
13.Hassan Mohiuddin Pappa
14.Mohammed Nizamuddin Pappa

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 5 to remove the unauthorized construction put up by respondents 6 to 14 in the wakf properties attached to the Nawab Fazeelathunnisa Begum Saheba Mosque and Endowment Wakf, Chennai as sought vide representation dt.27.10.15.

For Petitioner : Mr.N.A.Nissar Ahmed
For Respondents : Mr.V.C.Selvasekaran
for RR 1, 2 and 4
: Mr.N.Sampath for R-3
: Mr.Lakshmi Narayanan for R-5
: Mr.T.Velumani for RR 6 & 8
: Mr.Zaefarhulla Khan for RR 11-14
: No appearance for others.

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

We have perused the counter-affidavits filed by the Corporation. Learned counsel for the Corporation states that notices have been issued on account of deviations in the building of respondents 7 to 11. The construction of respondent no.6 is stated to be totally unauthorised. The area of respondents 12 and 13 is stated to be lying vacant, while respondent no.14 could not be traced.

2.Learned counsels have entered appearance for private respondents also and the learned counsel appearing for respondents 11 to 14 states that notice may be served on him qua respondent no.14.

3.Learned counsel for the Corporation states that the proceedings will be concluded and orders passed within a maximum period of two (2) months from today and in case, unauthorised construction is found, action in accordance with law will be taken within a period of one (1) month thereafter.

4.We take the aforesaid stand on record and dispose of the writ petition, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai.
2. The Zonal Officer,
Corporation of Chennai,
118, Dr.Muthulakshmi Salai,
Adyar, Chennai 20.
3. The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai.
4. The Assistant Executive Engineer,
Corporation of Chennai,
Adyar Zone XIII, L.B. Road,
Adyar, Chennai 20.
5. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

+1cc to Mr.N.Sampath, Advocate, S.R.No.68584
+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.68637
+1cc to Mr.Jafarhullah Khan, Advocate, S.R.No.68872
+1cc to the Government Pleader, S.R.No.69194

W.P.No.35867 of 2016

KGK(CO)
CA(05/12/2016)