

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.5128 of 2016
and
W.M.P.No.4491 of 2016

J.Mohideen Abdul Khader .. Petitioner

Vs.

1.Tamil Nadu Wakf Board
rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

2.The District Collector,
Nagapattinam District.

3.The Member Secretary (i/c),
Thanjavur Local Planning Authority,
No.33, 4th Rajappa Nagar,
Thanjavur - 613 007.

4.The Commissioner,
Nagapattinam Municipality,
Nagapattinam.

5.Nagore Dargha Advisory Board
rep. by its President
Nagore-611 002

6.Nagore Dargha Board of Trustees
rep. by its Managing Trustee
Nagore-611 002

7.Nagore Dargha rep. by its
Manager
Nagore-611 002

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 7 to take action in accordance with law by demolishing the unauthorised and illegal constructions being put up by the 8th respondent in Malumiar Street, Nagore - 611 002, comprised in T.S.Nos.1477 and 1478, Ward 5, Block No.19, Nagapattinam Taluk, Nagapattinam District, without the mandatory planning permission and building approval, and to retrieve the said properties, by considering the petitioner's representations dated 09.10.2015 and 31.12.2015, within a time frame to be fixed by this Court.

For Petitioner .. Mr.A.Mohamed Ismail

For Respondents .. Mr.V.Lakshminarayanan,
Standing Counsel for R1
Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R2 and R4

ORDER

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

Mr.V.Lakshminarayanan, learned Standing Counsel accepts notice on behalf of the first respondent and Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of respondents 2 and 4. At present, we are not inclined to issue notice to respondents 3 and 5 to 8, as this is a case of only consideration of the petitioner's representations and no action can be taken without affording an opportunity of hearing to them. Thus, with the consent of the learned counsel for the petitioner, learned standing counsel for the first respondent and the learned Special Government Pleader for respondents 2 and 4, the writ petition is taken up for final disposal, at the stage of admission itself.

2.This writ petition is filed, seeking a direction to respondents 1 to 7 to take action in accordance with law by demolishing the unauthorised and illegal constructions being put up by the 8th respondent in Malumiar Street, Nagore - 611 002, comprised in T.S.Nos.1477 and 1478, Ward 5, Block No.19, Nagapattinam Taluk, Nagapattinam District, without the mandatory planning permission and building approval, and to retrieve the said properties, by considering the petitioner's representations

dated 09.10.2015 and 31.12.2015.

3.The petitioner, who is stated to be an interested person in the affairs of Nagore Dargha, has made several complaints to respondents 1 to 7 qua removal of the unauthorised construction made by the eighth respondent in the properties owned by Nagore Dargha. Since there was no response, the petitioner made a representation dated 09 October 2015 to respondents 5 to 7 and thereafter, sent a legal notice dated 31 October 2015 to respondents 1 and 5 to 8. The petitioner also made a further representation dated 31 December 2015. Finding no response to his aforesated representations, the petitioner is before this Court.

4.Considering the limited scope of the relief sought in the writ petition, without going into the merits of the case, we direct the first respondent to examine the petitioner's representations dated 09.10.2015 and 31.12.2015, after affording an opportunity of hearing to all the concerned parties and take a decision, on merits and in accordance with law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5.This writ petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

2.The District Collector,
Nagapattinam District.

3.The Member Secretary (i/c),

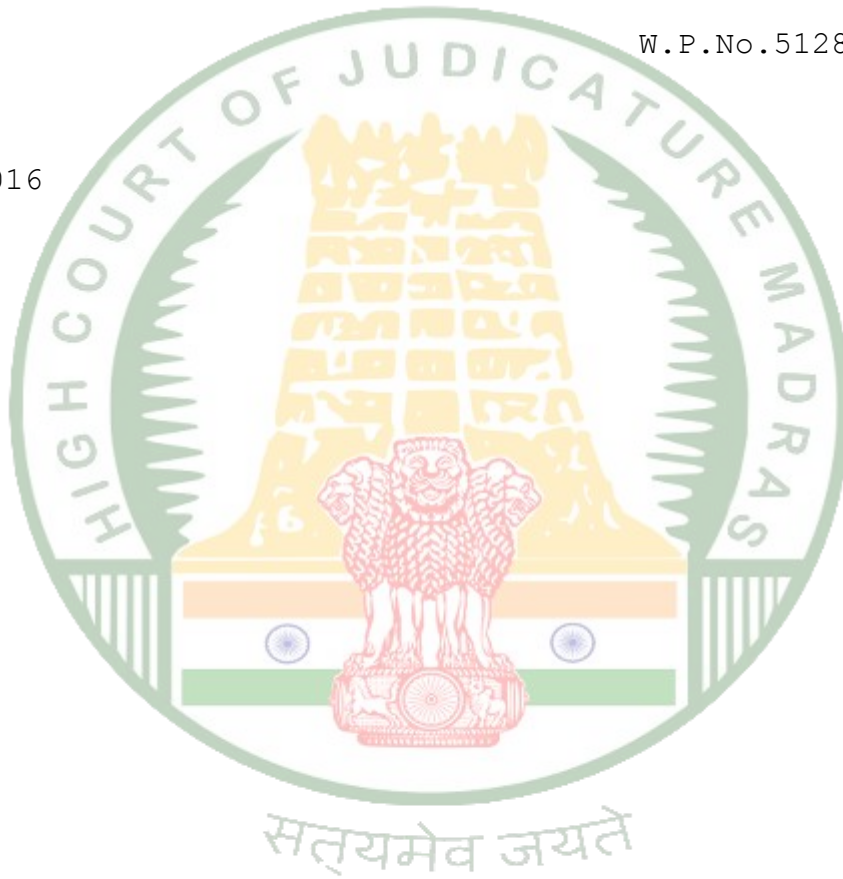
Thanjavur Local Planning Authority,
No.33, 4th Rajappa Nagar,
Thanjavur - 613 007.

4.The Commissioner,
Nagapattinam Municipality,
Nagapattinam.

+1 cc to M/s.V.Raghavachari Advocate sr.8190
+1 cc to M/s.A.Mohammad Ismail Advocate sr.8772

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