

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM

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

W.P. No.5484 of 2016

R.Hassan Ali Akbar . . . Petitioner

Vs.

1.The District Collector,
Sathuvachari, Vellore.

2.The Commissioner,
Arcot Municipality,
Arcot, Vellore.

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

4.Ravi

5.Thirumurugan

6.D.Malar

. . . Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 3 to initiate action against the respondents 4 to 6 by demolition of unauthorised construction as per Sec.216 of the Tamil Nadu District Municipalities Act.

For Petitioner .. Mr.N.A.Nissar Ahmed

For Respondents.. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1 and R2
Mr.V.Lakshminarayanan for R3

ORDER

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

Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2. Mr.V.Lakshminarayanan, learned counsel accepts notice on behalf of the third respondent. Notice to respondents 4 to 6 is dispensed with, at this stage, as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent, the writ petition is taken up for final disposal, at the admission stage itself.

2.The instant writ petition is filed by the Muthavalli of Late Arcot Mohammed Khader Wakf Estate, seeking a direction to the official respondents to initiate action against respondents 4 to 6 for unauthorised construction of the building at Door Nos.41 and 42, Anna Salai, Chennai. The petitioner has made a representation to the authorities on 03 September 2015. Finding no response/action, the instant writ petition is filed.

3.Mr.V.Lakshminarayanan, learned counsel for the third respondent submits that no permission has been granted by the Wakf Board for any construction on the specified site.

4.Learned Special Government Pleader appearing for respondents 1 and 2 submits that on inspection of the site and after affording an opportunity of hearing to the concerned parties, appropriate action will be taken within a period of six weeks in accordance with law and on its own merits.

5.In view of the above submission made by the learned Special Government Pleader, it is ordered accordingly.

6.With the above observation, the writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

mmi

To

1.The District Collector,
Sathuvachari, Vellore.

2.The Commissioner,
Arcot Municipality,
Arcot, Vellore.

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

1 cc to M/s.N.A.Nissar Ahmed, Advocate, sr. 9774

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