

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.6586 of 2017

A.V.Sirajudeen,
S/o. Abdul Vohab.

.. Petitioner

Vs.

1.The Commissioner,
Chembakkam Municipality,
Kamarajapuram,
Chennai - 73.

2.The Tamil Nadu Wakf Board,
Rep by its Chief Executive Officer,
No.1,Jaffar Syrang Street,
Chennai-1.

3.S.M.Shamsudeen .. Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue order or direction specifically writ in the nature of Writ of Mandamus, directing the 1st respondent to consider and pass orders of the representations dated 10.11.2016 and 02.01.2017 made by the petitioner seeking permission to form a public burial ground in 6 grounds out of the 20 grounds allotted to the mosque in survey No.39/1 Rajakilpakkam village Chembakkam, Chennai-73.

For Petitioners : Mr. N.A.Nissar Ahmed.

For Respondents : Mr. S.V.Duraisolaimalai,
Addl. Government Pleader for R1.
Mr.V.Lakshminarayanan, for R2

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner claims to be the President of Tamil Nadu Wakf Board Employees Colony Mosque, Vallar Yusuf Nagar, Selayur Post, Chennai - 73, bearing Registration No.192/KPM and they have submitted a representation dated 10.11.2016 to the first respondent praying for permission to create a burial ground over

six grounds of land in S.No.39/1, Rajakilpakkam Village, Chembakkam, out of 12.80 acres allotted to the staff of the Tamil Nadu Wakf Board to put up superstructure and followed by a reminder dated 02.01.2017. Since no response is forthcoming, the petitioner came forward to file this writ petition.

3. Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner would submit that 20 acres in S.No.39/1 have been reserved for public purpose, as per the sanction plan approved by the Chennai Metropolitan Development Authority and subsequently a place of worship viz., Mosque came into being, after obtaining necessary permission. Since there is no burial ground nearby, a fair decision has been taken to utilize this ground of land out of the 20 acres and though it is opposed by the third respondent, in the light of the compliance of relevant statutory norms, there may not be any impediment on the part of the first respondent to give necessary permission and therefore, prays for appropriate orders.

4. This Court heard the submissions of Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Mr.V.Lakshminarayanan, learned counsel, who accepts notice on behalf of the second respondent.

5. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to put the respondents 2 and 3 on notice and thereafter, consider the representations of the petitioner dated 10.11.2016 and 02.01.2017 in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this orders and communicate the decision taken to the petitioner as well as to the respondents 2 and 3.

Sd/-

Asst.Registrar

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

vsm

To

1.The Commissioner,
Chembakkam Municipality,
Kamarajapuram, Chennai - 73.

+1cc to Mr.N.A.Nissan Ahmed, Advocate sr.16790

WRIT PETITION No.6586 of 2017

nm1 (co)

ss (5/4/2017)