

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.21383 of 2017 &
W.M.P.No.22350 of 2017

M/s.Pattur Jamia Mosque
Represented by its Secretary
Managing Committee
Mr.G.Gulabdeen
Pattur, Mangada P.O.
Chennai - 600 122

... Petitioner

v.

1 The Tamil Nadu Wakf Board
Rep. by the Chief Executive Officer
No.1, Jafar Syrang Street
Vallal Seethakathi Nagar
Chennai -1

2 The Superintendent of Wakfs
Poonamallee Zone
Poonamallee Big Mosque
Poonamallee, Chennai - 600 056

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, calling for the entire records in connection with the proceedings of the 2nd respondent in Na.Ka.No.208/Kanchi/17, dated 01.08.2017 and quash the same as illegal and arbitrary.

For Petitioner : Mr.Sillambanan, Sr. Counsel
for Mr.K.Sasindran

For Respondents : Mr.Mohammed Fayas Ali

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the entire records in connection with the proceedings of the 2nd respondent dated 01.08.2017 and to quash the same.

2. When the petitioner sought to demolish the building, the 2nd respondent passed the impugned order forbearing the petitioner from demolishing the building without obtaining permission from the first respondent.

3. Mr.Sillambanan, learned Senior Counsel appearing for the petitioner submitted that in the circular dated 16.05.2017, the 1st respondent has specifically stated that No Objection Certificate is not required from the Wakf Board for putting up any construction.

4. Mr.Mohammed Fayas Ali, learned counsel appearing for the respondents submitted that in view of the latest circular dated 16.05.2017, No Objection Certificate is not required from the Wakf Board for putting up any construction in the property. However, since

the petitioner has not obtained any permission for demolition from the appropriate authority, the petitioner cannot demolish the building.

5. It is settled position that if a person wants to demolish the existing building, he has to get permission from the appropriate authority before demolishing the building.

6. In the case on hand, admittedly, the petitioner has not obtained any permission from any authority so far. In these circumstances, while setting aside the impugned order dated 01.08.2017, I make it clear that the petitioner can demolish the building only after obtaining appropriate permission from the appropriate authority before demolishing the existing building.

With these observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

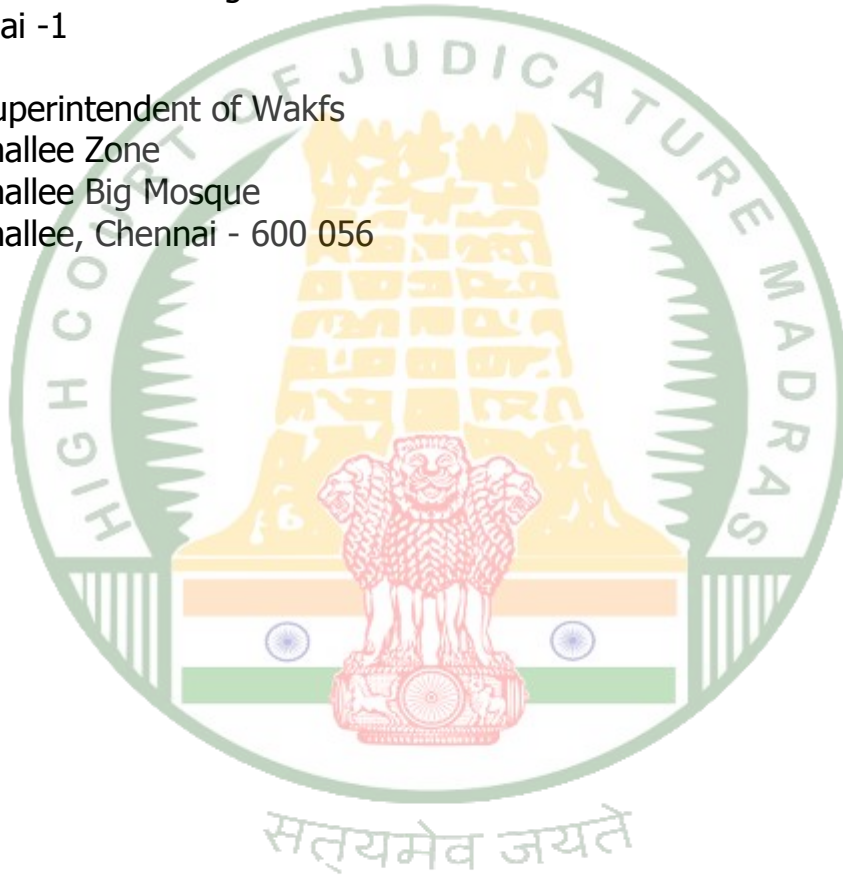
16.08.2017

Index: Yes/No

Rj

To

- 1 The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jafar Syrang Street
Vallal Seethakathi Nagar
Chennai -1
- 2 The Superintendent of Wakfs
Poonamallee Zone
Poonamallee Big Mosque
Poonamallee, Chennai - 600 056



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M.DURAI SWAMY,J.

Rj



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