

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.19100/2017 & WMP.No.20612/2017

A.Jahir Hussain

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Petitioner

Vs

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

2.The Commissioner
Villupuram Municipality
Villupuram.

3.The Assistant Engineer
Tamil Nadu Electricity Board
14/5, 4th Cross Street,
East Shanmugapuram Colony
Villupuram.

4.M.S.Ismail

5.Shanmugam

6.Mohammed Shafi

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of

<http://www.judis.nic.in> India praying for issuance of a Writ of mandamus directing the 2nd

respondent to demolish the unauthorised construction in the Wakf property at S.No.347/1, 350/1 to 28 and 536/1 Vandimedu, Villupuram Taluk, put up by the respondents 4 to 6 as per proceedings dated 17.05.2017.

For Petitioner : Mr.N.A.Nissar Ahmed
 For R1 : Mrs.Abitha Banu
 For R2 : Mr.P.Sanjay Gandhi, AGP
 For R3 : Mr.P.R.Dhilip Kumar

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mrs.Abitha Banu, learned Standing counsel accepts notice on behalf of the 1st respondent ; Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the 2nd respondent and Mr.P.R.Dhilip Kumar, learned Standing counsel accepts notice on behalf of the 3rd respondent.

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2 Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner would submit that the petitioner is the President of "Abeisha Taikka Wakf" which is a notified Wakf under the provisions of the Wakf Act and it owns property comprised in Survey Nos.347/1 to 5, 350/1-28

<http://www.judis.nic.in> and 536/1 and 2, at Vandimedu, Villupuram Taluk and the respondents

4 to 6 who have no right whatsoever, started putting up construction upon the said lands without obtaining any planning permission. It is the further submission of the learned counsel that the said fact was brought to the knowledge of the respondents 2 and 3 in the form of representation dated 01.03.2017 and the 2nd respondent, vide communication dated 17.05.2017 has informed the petitioner that no planning permission has been accorded and action is being taken under section 216[1] and [2] of the Tamil Nadu District Municipalities Act, 1920. It is the primordial submission of the learned counsel for the petitioner that though the said communication was sent to the petitioner as early as on 17.05.2017 by the 2nd respondent, no action has been taken and the respondents 4 to 6 are merrily carrying on the construction activities and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The Court heard the submissions of Mrs.Abitha Banu, learned Standing counsel appearing for the 1st respondent ; Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the 2nd respondent and Mr.P.R.Dhilip Kumar, learned Standing counsel appearing for the 3rd respondent and also perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to put the respondents 4 to 6 on notice and thereafter, pursue further action in accordance with law and in the light of his communication dated 17.05.2017 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 to 6.

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

[M.S.N., J.,]

[N.S.S., J]

26.07.2017

Index : No
Internet : Yes

AP

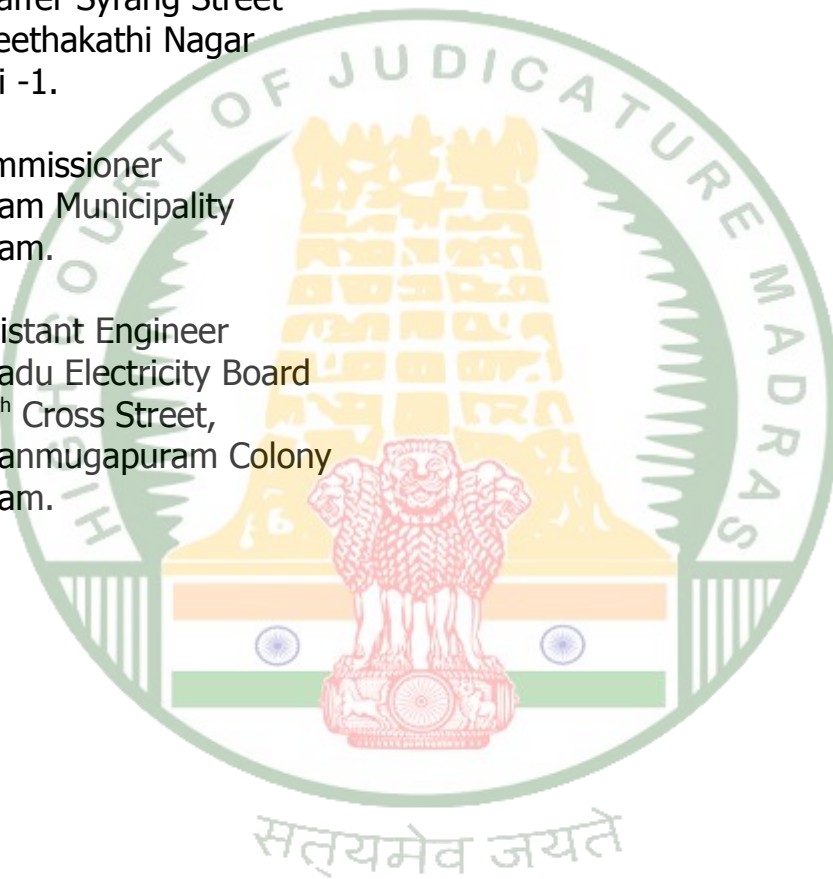
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To

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rep.by the Chief Executive Officer
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Vallal Seethakathi Nagar
Chennai -1.

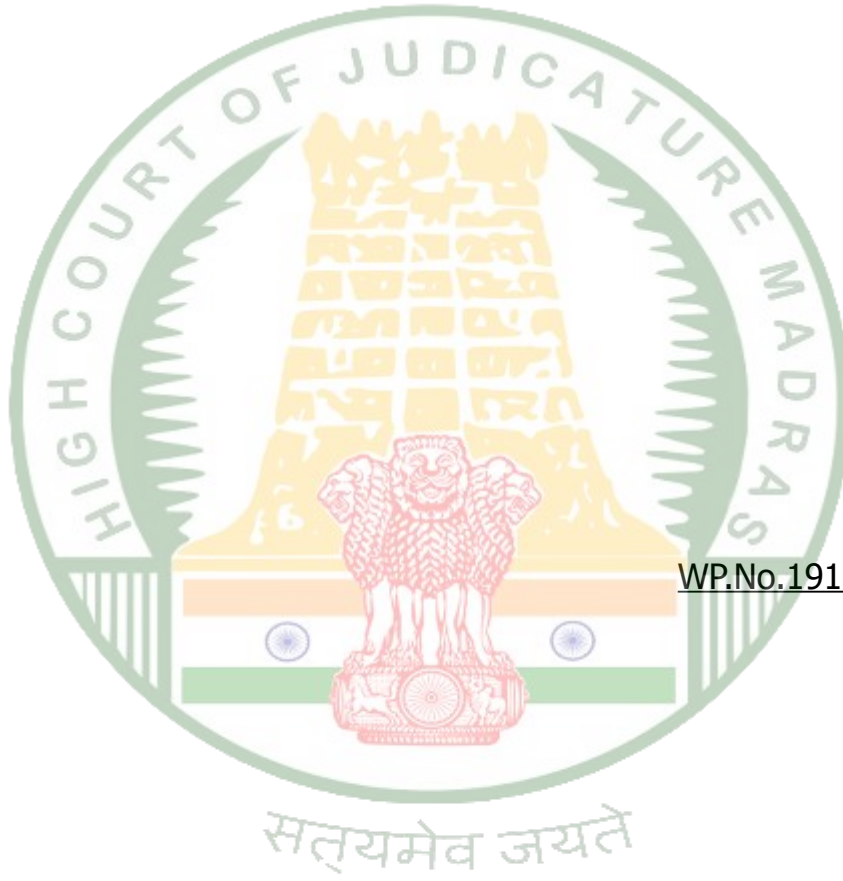
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M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
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