



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.19547 of 2016

and

W.M.P. (MD) Nos.14104 and 14105 of 2016 and 8844 of 2017

V.S.T.Amanullah

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli.
- 2.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 3.The Executive Engineer,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 4.The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
Chennai.
- 5.V.S.T.Thamusthaseen Tharaganar Hameem
Pallivasal Madrasa Wakf Alal-Aulad,
Melapalayam rep. By its Muthavalli
Melapalayam, Tirunelveli.
- 6.Hameempuram South Street Jamath,
Rep. By its Secretary T.M.Meeran Mohideen ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the impugned records of the third respondent in Na.Ka.No.TP3/7511/06 dated 09.09.2016 and quash the same and consequently direct the respondents 1 to 3 to take against the unauthorized construction putting by the sixth respondent in S.No.1/2, Melapalayam, Tirunelveli District.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.T.S.Md.Mohideen,

Addl. Govt. Pleader for R1

Mr.Aayiram K.Selvakumar for R2 and R3

Mr.K.K.Senthil for R4

Mr.S.Satheesh for R5

Mr.T.Selvam for R6.

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The petitioner questions the order dated 09 September 2016 issued by the third respondent herein stating that it is for the petitioner to move the civil Court or police with regard to the unauthorized construction being put up by the sixth respondent in Survey No.1/2, Melapalayam, Tirunelveli District.

2.We do not approve the stand taken by the third respondent. The sixth respondent or any other persons can put up Mosque in the survey number in question only after prior approval from the Corporation, Wakf Board and the District Collector. The first respondent will be at liberty to grant such an approval only on being convinced that the sixth respondent is entitled to put up the construction proposed by them.

3.This Court is also informed that civil suit in O.S.No.226 of 2016 on the file of I Additional District Munsif, Tirunelveli. Fifth respondent has filed the said suit for recovery of possession after revoking the license given in favour of the sixth respondent. The first respondent shall take note of the pendency of the civil suit while considering the application of the fifth respondent.

4.The writ petition is disposed of with the above direction. No costs. Consequently, all the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The District Collector, Tirunelveli.

+One cc to Mr.T.Selvan, Advocate, SR.No.67474

+One cc to M/s.K.K.Senthil, Advocate, SR.No.67456

+One cc to M/s.H.Arumugam, Advocate, SR.No.67835

+One cc to The Special Government Pleader, SR.No.67884

+One cc to M/s.Aayiram K.Selvakumar, Advocate, SR.No.67167

skm/Arul

RL/7C/2P/KK/SAR4/1/8/2017

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