

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.10365 of 2018
and WMP.No.12334 of 2018

The Mylapore Juma Mosque Managing Committee,
rep. by its Muthawalli, S.M.Mohideen,
No.178, New No.52, Kutchery Road,
Mylapore, Madras - 4

... Petitioner

Versus

1. The Commissioner
Corporation of Chennai,
Rippon Building, Chennai
- 2.The Zonal Officer,
Corporation of Chennai,
Corporation Zonal Office - 125,
Kutchery Road, Mylapore,
Chennai 600 004.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
4. The Assistant Executive Engineer,
Corporation of Chennai,
Zone 125, Vallurvarkottam, Lake Area,
Chennai - 34
- 5.The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffersyrang Street,
Vallalseethikathi Nagar, Chennai - 1

6.Mrs.Najmunissa

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 to 4 to forbear the 6th respondent or any other person who are in occupation of the Wakf property from proceeding with any further construction in the premises belonging to the petitionerr Masjid bearing New No.21, Old No.23, Bazaar Lane, Mylapore, Madras - 4.

For Petitioner : Mr.M.J.Jaseem Mohammed
For Respondents : Mr.R.Nagarajan for R1, R2 & R4
Mr.K.Raja Srinivas,
Standing Counsel for R3
Ms.Abitha for R5

ORDER

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

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

2. Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of respondents 1, 2 and 4. Mr.K.Raja Srinivas, learned Standing counsel accepts notice on behalf of 3rd respondent and Ms.Aabitha, learned coussel accepts notice on behalf of 5th respondent.

3. The petitioner claims to be a 'Mylapore Juma Mosque Managing Committee', registered as G.S No.71/MAD and notified by the 5th respondent. It is further averred by the petitioner that as per the Scheme Decree in C.S.No.89 of 1910, framed by this Court by order dated 22.04.1913, 'the Mylapore Juma Mosque Managing Committee' is administered as per the said decree and the Committee consist of nine members and if there is any vacancy arises amongst the members of the Committee, the same shall be filled up by the remaining Committee members.

4. It is the specific case of the petitioner that the 6th respondent who has no right whatsoever upon the land belonging to the petitioner had encroached the same by starting putting up wholly illegal / unauthorised construction. The petitioner in this regard, has submitted a representation dated 24.03.2018 to the 4th respondent as well as to the Divisional Deputy Commissioner of Corporation of Chennai, and to other officials of Corporation of Chennai. Despite receipt and acknowledgment, no action whatsoever has been taken. Therefore, the petitioner is constrained to approach this Court by filing this writ petition.

5. Heard the submission of the learned counsel appearing for the petitioner and the learned counsel appearing for the official respondents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claims projected by the petitioner, directs the 2nd respondent to put up the petitioner as well as the 6th respondent on notice and shall cause inspection of the premises bearing New no.21 Old No.23, Bazaar Lane, Mylapore, Chennai-600 004, within four weeks from the date of receipt of copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law with regard to the alleged offending construction within a further period of eight weeks thereafter and communicate the decision to the petitioner as well as the 6th respondent.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai
- 2.The Zonal Officer,
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4. The Assistant Executive Engineer,
Corporation of Chennai,
Zone 125, Vallurvarkottam, Lake Area,
Chennai - 34

5.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffersyrang Street,
Vallalseethikathi Nagar, Chennai - 1.

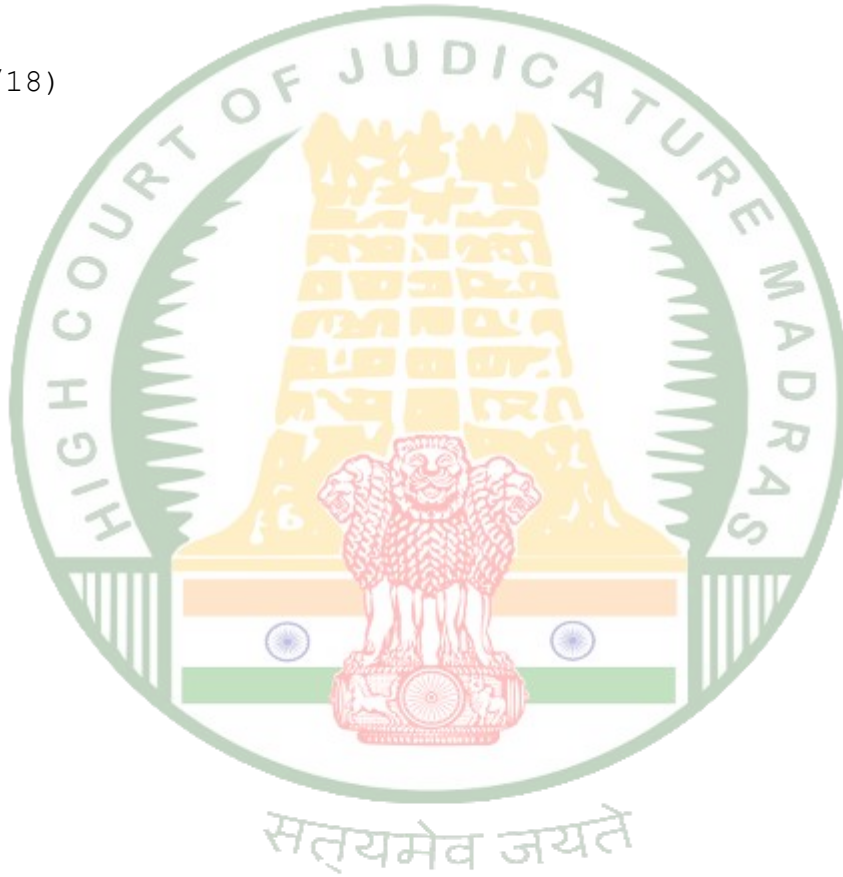
+1cc to Mr.M.J.Jaseem Mohameed, Advocate, sr.no.30632

+1cc to Mr.A.Nagarajan, Advocate, sr.no.30655

W.P.No.10365 of 2018

PA (CO)

RRK (30/05/18)



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