

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:05.04.2018
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM
W.P.No.7889/2018

A.S.Mohammed Kasim

.. Petitioner

Vs

1.The Commissioner
Pallavaram Municipality
Chennai-44.

2.The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar,
Chennai-1.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to remove the encroachment in public road at Main entrance to dargah 30 feet wide road at Pallavaram as sought vide representation dated 22.01.2018 and 23.01.2018.

For Petitioner : Mr.N.A.Nissar Ahmed
For R1 : Mr.P.Srinivas
For R2 : Ms.Abitha Banu

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.P.Srinivas, learned Standing counsel accepts notice on behalf of the 1st respondent and Ms.Abitha Banu, learned Standing counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner claims to be the Ex-Secretary of the Advisory Committee of Hazarath Syed Badrudeen Shaheed Dargah and Mosque, No.9, Kamaraj Nagar 2nd Street, Dargah Colony, Zamin Pallavaram, Chennai-43 and would state that the Wakf is a registered one and it is under the Supervisory control of the 2nd respondent. The petitioner would further aver that the property admeasuring to an extent of 7.79 acres comprised in S.No.334/1 of Zamin Pallavaram, belongs to the said Wakf and there is a road leading to the Dargah which also contains a Mosque and a burial ground. According to the petitioner, originally, the width of the road was 30 feet as per the Layout and on account of encroachment and unauthorised constructions, it has narrowed down to 16 feet in width. The

petitioner, in this regard, has submitted a representation dated 05.12.2017 to the 2nd respondent, followed by yet another representation dated 22.01.2018 to the 1st respondent to remove the encroachment and despite receipt and acknowledgment, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Mr.N.A.Nissar Ahamed, learned counsel for the petitioner has drawn the attention of this Court to the photographs and would submit that on account of encroachment and unauthorised constructions, the width of the road got reduced to 16 feet from 30 feet and therefore, it is obligatory on the part of the 1st respondent to take immediate and appropriate action in accordance with law.

4 The Court heard the submissions of Mr.P.Srinivas, learned Standing counsel appearing for the 1st respondent and Ms.Abitha Banu, learned Standing counsel appearing for the 2nd respondent and perused the material placed before it.

5 This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 1st respondent or the delegated official to cause inspection of Kamaraj Nagar 2nd street, Dargah Colony, Zamin Pallavaram, Chennai, within a period of three weeks from the date of receipt of a copy of this order and if it is found that there are encroachers and the superstructures are unauthorised, the said official shall put the concerned persons on notice and take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the person/s concerned.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner
Pallavaram Municipality
Chennai-44.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar, Chennai-1.

+1cc to Mr.N.A.Nissar Ahmed, Advocate Sr.No.25166
+1cc to Mr.P.Srinivas, Advocate Sr.No.25575

MG(CO)
sm:20.4.2018

WP.No.7889/2018



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