

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22191 of 2017
and
W.M.P.Nos.23221 and 23222 of 2017

Krishnadass .. Petitioner

Vs.

1. The District Collector,
The Nilgiris,
Udhagamandalam,
Nilgiri Distgrict.
2. The Revenue Divisional Officer,
Gudalur Taluk,
Gudalur, The Nilgiris.
3. The Tahsildar,
Gudalur Taluk,
Gudalur, The Nilgiris.
4. The Inspector of Police,
Gudalur Police Station,
Gudalur, The Nilgiris.

5. Yousuf .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 herein to take necessary action preventing the fifth respondent, his men, agents, servants, representatives, henchmen or any other persons on behalf of him from constructing the proposed Mosque-cum-Madharasa in Survey No.273/1 in M.G.R.Nagar, Gudalur-II Village, Gudalur, The Nilgiris, based on the representation given by the petitioner, dated 14.04.2017.

For petitioner : Mr.G.Karthikeyan
For respondents: Mr.A.N.Thambidurai,
Spl.G.P. for RR-1 to 4
Mr.N.A.Nissar Ahmed for R-5

ORDER

(The Order of the Court was made by S.Vaidyanathan, J)

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 herein to take necessary action preventing the fifth respondent, his men, agents, servants, representatives, henchmen or any other persons on behalf of him from constructing the proposed Mosque-cum-Madharasa in Survey No.273/1 in M.G.R.Nagar, Gudalur-II Village, Gudalur, The Nilgiris, based on the representation given by the petitioner, dated 14.04.2017.

2. When the Writ Petition is taken up for hearing, it is represented by the learned counsel for the petitioner that pursuant to the direction issued by the official respondents, apart from foundation work, no other work is being carried on. According to the learned counsel, no permission is obtained by the fifth respondent for constructing the Mosque-cum-Madharasa.

3. This Court makes it clear that unless and until there is a sanctioned plan, no construction shall be allowed to be permitted by the authorities. In view of the same, and that as the stop-work-notice has also been issued by the authorities, there shall be no construction of Mosque-cum-Madharasa, in violation of the statutory provisions of law. If there is any violation of construction by the fifth respondent, it is open for the authorities to take appropriate steps to proceed against the fifth respondent, if there is any illegal construction, as the fifth respondent cannot have the benefit of the advantages of illegal construction, if any is made by him. It is further made clear, as resolved in the peace-committee-meeting between the representatives of both the religious people (Hindus and Muslims), dated 28.05.2017 and the official respondents/authorities including Police personnel, there shall be not be any construction, much less the Mosque-cum-Madharasa, whatsoever, in the disputed place by the members of the Muslim community.

4. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.Ps. are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

cs

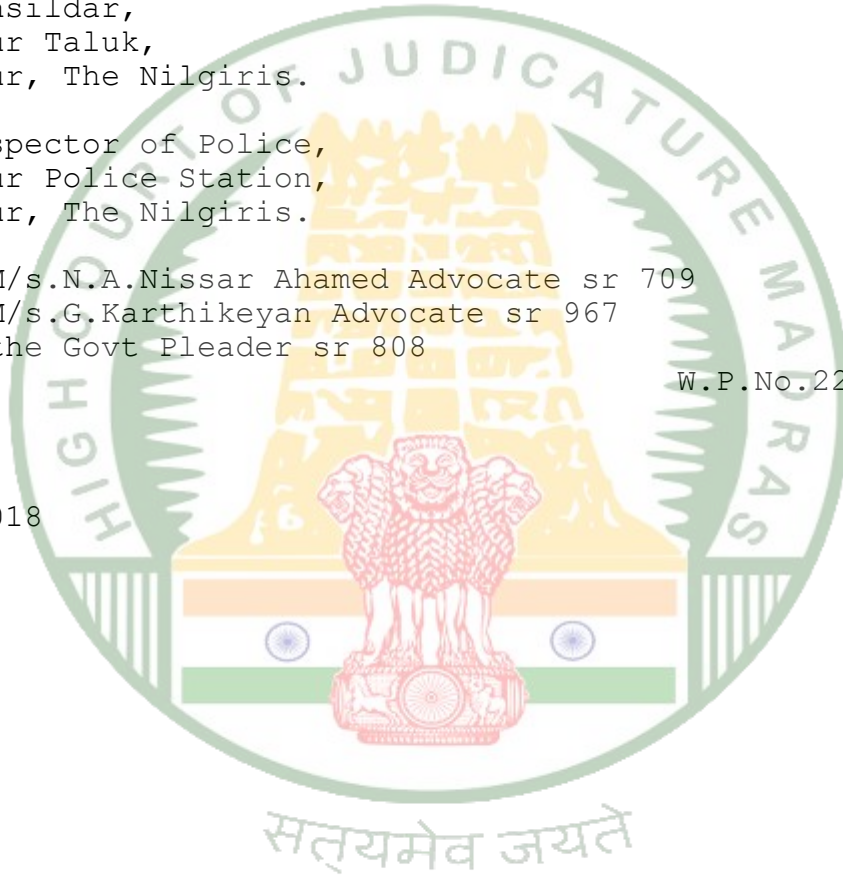
To

1. The District Collector,
The Nilgiris,
Udhagamandalam,
Nilgiri Distgrict.
2. The Revenue Divisional Officer,
Gudalur Taluk,
Gudalur, The Nilgiris.
3. The Tahsildar,
Gudalur Taluk,
Gudalur, The Nilgiris.
4. The Inspector of Police,
Gudalur Police Station,
Gudalur, The Nilgiris.

+1 cc to M/s.N.A.Nissar Ahamed Advocate sr 709
+1 cc to M/s.G.Karthikeyan Advocate sr 967
+1 cc to the Govt Pleader sr 808

W.P.No.22191 of 2017

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