

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2018

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.12482 of 2018

and

W.M.P.No.14627 of 2018

Vadakovai Ahlay Sunnath Jama-ath

Rep by its Secretary Haji.M.I.Mohammed Ali,
Having Office at Sangnur Kabarasthan Masjid,
238, Mettupalayam Road,
Coimbatore - 641 043.

... Petitioner

Vs.

1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

2.The Assistant Commissioner (West Zone),
Office of Assistant Commissioner,
Coimbatore City Municipal Corporation,
R.S.Puram, Coimbatore - 641 002.

3.The Forest Range Officer
(Social Forestry Scheme),
Coimbatore.

4.The Inspector of Police (Law & Order),
C-3, Saibaba Colony Police Station,
Coimbatore City, Coimbatore.

5.Mr.Abdul Azeez

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 3 herein to consider the petitioner's representations dated 15.04.2018 and 16.04.2018 respectively submitted in person before the first, second and third respondents and dispose them off at the earliest by taking appropriate action.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondents : Mr.M.Elumalai,
Government Advocate for R4
Mr.K.K.Ramesh,
Government Advocate for R3

O R D E R

Heard Mr.S.Haja Mohideen Gisthi, learned counsel appearing for the petitioner, Mr.K.K.Ramesh, learned Government Advocate for the third respondent and Mr.M.Elumalai, learned Government Advocate, appearing for the fourth respondent. In view of the order propose to be passed in this writ petition, notice to the fifth respondent is dispensed with.

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

3. The petitioner has filed this writ petition for issuance of Writ of Mandamus directing respondents 1 and 3 to consider the petitioner's representations dated 15.04.2018 and 16.04.2018 respectively submitted in person before the respondents and dispose off them at the earliest by taking appropriate action.

4. The case of the petitioner is that the petitioner is an Association, formed in the year 1966 mainly for the welfare of persons belonging to the Muslim Religious community. The petitioner secured an extent of 76,213 Sq.ft of land equivalent to 1.75 Acres in S.F.Nos.158/A1 and 159/A1, Sangapur Village, North Coimbatore Taluk, Coimbatore District, along with 600 Sq.ft roofed structure bearing Door Nos.238 and 239, Sangapur Kabarasthan Masjid, Mettupalayam Road, Coimbatore - 641 043.

5. It appears that fifth respondent and his henchmen were unauthorizedly and illegally cut down all the trees standing on the above land without getting permission from the competent authorities contrary to the undertaking given by the erstwhile committee to raise and nurture trees in the land and started construction of a superstructure without obtaining any statutory permission for making any construction in the above land.

6. Aggrieved by the above said illegal construction, the petitioner made representations dated 15.04.2018 and 16.04.2018 respectively before the first and third respondents for taking action against the fifth respondent. Though the said representations were received by the respondents, till date no action has been taken by the respondents. Aggrieved by the inaction of the respondents, the petitioner has filed the present writ petition.

7. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, this Court may issue direction to the respondents to consider the representations dated 15.04.2018 and 16.04.2018, submitted by the petitioner.

8. Considering the limited prayer sought by the petitioner, this Court directs the first and third respondents to consider

the petitioner's representations dated 15.04.2018 and 16.04.2018 and pass orders in accordance with law, after affording an opportunity to the fifth respondent, within a period of four weeks from the date of receipt of a copy of this order,.

Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AD-I) /
Vacation Officer

//True copy//

Sub Assistant Registrar

gsk

To

- 1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
- 2.The Assistant Commissioner (West Zone),
Office of Assistant Commissioner,
Coimbatore City Municipal Corporation,
R.S.Puram, Coimbatore - 641 002.
- 3.The Forest Range Officer
(Social Forestry Scheme),
Coimbatore.
- 4.The Inspector of Police (Law & Order),
C-3, Saibaba Colony Police Station,
Coimbatore City, Coimbatore.

+1cc to Mr.Haja Mohideen Gisti, Advocate SR.No.33661
+1cc to Government Pleader SR.No.33884
+1cc to Special Government Pleader SR.No.33687

W.P.No.12482 of 2018

CNR(CO)
GN(23/05/2018)