

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WP.No.17121 of 2020

Miss.Habeebunnissa Begum .. Petitioner

Versus

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 007.

2.The Executive Engineer,
Zone VI, Greater Chennai Corporation,
Anderson Street, Ayanavaram,
Chennai 600 023.

3.Syed Kasim Street

4.Syed Akbar Sakaaf .. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance directing the 1st and 2nd respondents to demolish the unauthorized construction put up by the 3rd and 4th respondents in survey no. 2811/4 and 2811/19 at No. 50 5th lane Dadasha Makkan Strahans road Ch-12 as sought vide rep. dt. 17.10.2020 by the petitioner.

For Petitioner : Mr.Y.Rajanas

For R1 & R2 : Mr.M.Ganesan, Standing Counsel

ORDER

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

The petitioner was an elected President of Dadhasha Makkan Wakf, North Zone, Chennai-600 012 and the same has also been approved by the Tamil Nadu Wakf Board, vide communication dated 20.09.2018.

2. The learned counsel appearing for the petitioner would submit that the Wakf owns superstructure in S.F.No.2811/4, 2811/19 bearing Door No.50, 5th lane, Dadasha Makkan, Strahans Road, Chennai 600 012 and it is in occupation of the respondents 3 and 4 by way of trespass.

3. The learned counsel appearing for the petitioner would submit that apart from causing illegal act of trespass, the respondents 3 and 4 are also putting up additional constructions without any permission / authorisation

and in this regard, a representation dated 17.10.2020 has also been submitted to the respondents 1 and 2 and despite receipt and acknowledgment, no action whatsoever has been taken and therefore, the petitioner, being the elected President of the said Wakf, came forward to file this Writ Petition.

4. Mr.M.Ganesan, learned Standing Counsel accepts notice on behalf of the respondents 1 and 2.

5. 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 claim projected by the petitioner, either in her representation or in this Writ Petition, directs the 2nd respondent or the subordinate officials to cause inspection of the said premises, as to whether the original construction as well as the alleged additional construction is authorised / deviated / unauthorised, after putting on notice the petitioner as well as respondents 3 and 4 and if the result of the inspection reveals any infraction of the relevant rules, regulations and norms, shall take action in accordance

with law, by adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as respondents 3 and 4.

6. The Writ Petition stands disposed of, accordingly. No costs.

[M.S.N.,J] [R.P.A., J]
04.12.2020

sk

Internet : Yes/No

Index : Yes/No

To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 007.

2.The Executive Engineer,
Zone VI, Greater Chennai Corporation,
Anderson Street, Ayanavaram,
Chennai 600 023.

M.SATHYANARAYANAN, J.,
AND
R.PONGIAPPAN.,J
sk



W.P.No.17121 of 2020

WEB COPY

04.12.2020