

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.4514 of 2022 and WMP.No.4643/2022

Syed Rahmathullah
S/o.Syed Rasheed

...Petitioner

-vs-

1. The Tamil Nadu Waqf Board
rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Mannady, Chennai-600 001.
2. The Executive Officer,
Vilapakkam Town Panchayat,
Arcot Road, Vilapakkam,
Arcot Taluk-632 521.
3. The Assistant Engineer,
TANGEDCO, O & M,
Vilapakkam,
No.25, Madalaya Street,
Vilapakkam, Arcot Taluk-632 521.
4. R.Syed Inayathullah

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to take action and demolish the unauthorized construction put up by the 4th respondent at S.No.871/B situated at Hazarath Meeran Wali Nagar 2nd Street, Panchapandavarmalai, Arcot Taluk, Ranipet District.

For Petitioner : Mr.A.Ajimath Begum

For Respondents: Mr.Shankar,
Standing Counsel for WAKF Board/R1
Mr.M.Rajendran, AGP for R2

Mr.L.Jaivenkatesh,
Standing Counsel for TNEB/R3

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 2nd respondent to take action and demolish the unauthorized construction put up by the 4th respondent at S.No.871/B situated at Hazarath Meeran Wali Nagar 2nd Street, Panchapandavarmalai, Arcot Taluk, Ranipet District.

2.Learned Counsel appearing for the petitioner would submit that the petitioner was appointed as a Joint Muthawalli for Hazarath Syed Sha Meeran Wali Hussaini Qadri Dargah Masjid and Burial Ground Wakf by the 1st respondent herein by his Proceedings dated 21.01.2021 in Se.Mu.Order 8946/20/AA7/Vellore. Since then, he has been looking after the affairs of the Wakf. While so, the 4th respondent approached the petitioner to grant lease for the vacant land measuring to an extent of 673 Sq.ft. in S.No.871/B situated at Hazarath Meeran Wali Nagar 2nd Street, Panchapandavarmalai, Arcot Taluk, Ranipet District. Although the petitioner has orally agreed to let out the said property on lease for a period of 11 months fixing the monthly rent of Rs.168/- and an advance of Rs.840/- was paid by the 4th respondent and a receipt was also issued with regard to the same, however, the petitioner informed the 4th respondent that only after the execution of the lease deed, the property would be handed over to him and as a Muthawalli, the petitioner has been insisting upon the execution of the lease agreement. But the 4th respondent without coming forward to execute the lease agreement has been proceeding with unauthorized construction without obtaining any planning permission from the 2nd respondent. Therefore, the petitioner has given a very detailed complaint dated 29.01.2022 to the 2nd respondent, but no action is forthcoming. Therefore, the present Writ Petition has been filed.

3.Mr.Shankar, learned Standing Counsel for Wakf Board takes notice for 1st respondent and Mr.M.Rajendran, learned Additional Government Pleader takes notice for 2nd respondent and Mr.L.Jaivenkatesh, learned Standing Counsel for Tamil Nadu Electricity Board takes notice for 3rd respondent.

4.Considering the facts and circumstances of the matter and also the fact that the prayer made in this Writ Petition lies within a narrow compass to consider the complaint given by the petitioner to the 2nd respondent dated 29.01.2022, we hereby direct the 2nd respondent, namely, The Executive Officer, Vilapakkam Town Panchayat, Arcot Road, Vilapakkam, Arcot Taluk-632 521 to consider the complaint of the petitioner dated 29.01.2022 and take appropriate action on merits and in accordance with law, by issuing proper notice to the 4th

respondent, within a period of four weeks from the date of receipt of a copy of this Order. Till then the 4 th respondent is injuncted from putting up any further construction in the Wakf property-in-question.

5.With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Mannady, Chennai-600 001.
2. The Executive Officer,
Vilapakkam Town Panchayat,
Arcot Road, Vilapakkam,
Arcot Taluk-632 521.
3. The Assistant Engineer,
TANGEDCO, O & M,
Vilapakkam,
No.25, Madalaya Street,
Vilapakkam, Arcot Taluk-632 521.

+1cc to M/s.A.Ajimath Begam, Advocate, S.R.No.13734

W.P.No.4514/2022

NRL(CO)
RGA(11/03/2022)