



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.P. No. 12140 of 2022
and
WMP. No. 11580 of 2022

A.S. Mohammed Kasim
President,
Adhoc Committee
Hazarath Badrudeen Shaheed
Dargah and Mosque
No.9, Kamaraj Nagar, 2nd Street
Dargah Colony
Zamin Pallavaram,
Chennai 600 043.

.. Petitioner

Versus

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natrajan Building
No.4, Gandhi Irvin Road
Ansari Estate, Egmore
Chennai - 600 008.
2. The Commissioner of Corporation
Tambaram Corporation
No.28, Muthuranga Mudali Street
West Tambaram
Chennai - 600 045.
3. The Tahsildar, Pallavaram Taluk
Pallavaram, Chennai - 600 044.
4. The Director of Town and country Planning
No.124, G.S.T.Road
Periyar Shopping Complex
Chengalpattu, Chengalpattu District -603 001
5. The District Collector
Chengalpattu District, Chengalpattu - 603 001.
6. The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai - 600 001.
7. S.Aswin



8. M/s.Rajparis Civil Constructions
No.560-562, 7th Floor/7-E
Century Plaza, Anna Salai, Teynampet
Chennai-18.

.. Respondents

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Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 5 herein to initiate appropriate legal action against the seventh and eighth respondents herein for their unauthorised and unapproved construction of the building by encroaching the property of Wakf, (Hazarath Badrudeen Shaheed Dargah and Mosque, No.9, Kamaraj Nagar, Second Street, Dargah Colony, Zamin Pallavaram, Chennai-43) bearing survey No.334/1, measuring an extent of 7.79 acres, S.No.334/2, measuring an extent of 2.88 acres and S.No.309, measuring an extent of 1.97 acres, situated at Zamin Pallavaram (Asthinapuram) lying within the registration Sub-district of Pallavaram, Pallavaram Firka, Saidapet Taluk, presently Pallavaram Taluk, Chennai -43, Chengalpattu District, pursuant to the petitioner's representation dated 05.03.2022.

For Petitioner : Mr.J.Selvarajan

For Respondents : Mr.R.Sivakumar for R1

Mrs.C.Vaitheeswari
for R2

Mr.V.Manoharan, Additional
Government Pleader
for R3 to R5

ORDER

(Order of the Court was made by R.Mahadevan,J)

The petitioner has come forward with this writ petition praying to issue a writ of Mandamus directing the respondents 1 to 5 to initiate appropriate action against the seventh and eighth respondents herein for the unauthorised and unapproved construction of the building put up by them by encroaching the properties of the Wakf viz., Hazarath Badrudeen Shaheed Dargah and Mosque, situated at No.9, Kamaraj Nagar, 2nd Street, Dargah Colony, Zamin Pallavaram, Chennai, in (i) Survey No.334/1, measuring to an extent of 7.79 acres (ii) S.No.334/2, measuring to an extent of 2.88 acres and (iii) S.No.309, measuring to an extent of 1.97 acres, situated at Zamin Pallavaram, Pallavaram Taluk, Chengalpattu District, on the basis of his representation dated 05.03.2022.

2. According to the petitioner, he is the President of Adhoc Committee viz., Hazarath Badrudeen Shaheed Dargah and Mosque situated at No.9, Kamaraj Nagar Second Street, Dargah Colony, Zamin Pallavaram, Chennai. It is stated that the Wakf is a registered Wakf and it is under the supervisory control of the sixth respondent. In the affidavit filed in support of the



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writ petition, the petitioner has narrated the various attempts made by the third parties to encroach upon the properties of the Wakf and the legal proceedings initiated thereof by the Wakf to protect the same from being encroached upon. It is also stated that presently, the seventh and eighth respondents who have no nexus with the subject properties of the wakf, are claiming right over the same and proceeding with construction of a building in the same and therefore, the petitioner submitted a representation dated 05.03.2022 to the respondent authorities praying to take appropriate action against them. However, till date, no action has been taken on the same. Aggrieved by the inaction on the part of the respondents 1 to 5, the present writ petition has been filed by the petitioner.

3. Heard Mr. J.Selvarajan, learned counsel for the petitioner, Mr. R. Sivakumar, learned Standing Counsel for the first respondent, Mrs.C.Vaitheeswari, learned Standing Counsel for the second respondent and Mr.V.Manoharan, learned Additional Government Pleader for the respondents 3 to 5 and also perused the documents enclosed in the typed set of papers.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without expressing any opinion as regards the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 05.03.2022, conduct an enquiry and pass orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, respondents 7 and 8 and any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, WMP No.11580 of 2022 is closed.

Sd/-

Assistant Registrar(cs)

//True Copy//

Sub Assistant Registrar

rs/rsh

To:

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natrajan Building
No.4, Gandhi Irvin Road
Ansari Estate, Egmore
Chennai - 600 008.

2. The Commissioner of Corporation
Tambaram Corporation
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3. The Tahsildar, Pallavaram Taluk
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5. The District Collector, Chengalpattu District
Chengalpattu - 603 001.

6. The Chief Executive Officer
Tamil Nadu Wakf Board, No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar, Chennai - 600 001.

+1 cc to Mr.J.Selvarajan, Advocate Sr.NO. 31095

+1 cc to Government Pleader Sr.NO. 31286

WP No. 12140 of 2022

VSN II(CO)

A.SK(02/06/2022)