



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 31.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.33500 of 2019

Dilshad Begum

.. Petitioner

Versus

1. The Secretary to Government,
Tamil Nadu Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Rajaji Salai, Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Ervin Road,
Egmore, Chennai 600 008.
3. The Commissioner,
Greater Chennai Corporation of Chennai,
Rippon Building,
Chennai 600 003.
4. The Executive Engineer,
Greater Chennai Corporation of Chennai,
Zone-IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600 034.
5. The Assistant Executive Engineer,
Greater Chennai Corporation of Chennai,
Zone-IX, U-27,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600 034.
6. The Assistant Engineer,
Greater Chennai Corporation of Chennai,
Zone-IX, Division No.114,
23/47, Arunachalam Street,
Triplicane,
Chennai 600 005.



WEB COPY

7. The Executive Engineer,
Town Planning Enforcement,
Office of the Regional Joint Commissioner,
Corporation of Chennai Zone IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600 034.
8. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
9. The Superintendent of Wakfs,
Tamil Nadu Wakf Board,
Chennai District,
No.139, Dr.Besant Road,
Ice House,
Chennai 600 005.
10. The Inspector of Wakfs,
Tamil Nadu Wakf Board,
Chennai District,
No.139, Dr.Besant Road,
Ice House,
Chennai 600 005.
11. The Assistant Engineer
TANGEDCO (Tamil Nadu Electricity Board),
Triplicane Distribution Circle,
Triplicane,
Chennai 600 005.
12. Asaar-e-Sheriff Wakf,
Rep. by its so called Muthavalli,
Mr.K.P.Ismath Bash
13. Mr.K.P.Ismath Basha
14. Balkis Begum .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 8 to take appropriate action for illegal and un-authorized construction of the 13th respondent in the properties (1) bearing Old Door No.18, New Door No.21, Walaljah Big Mosque Lane, Ellis Road, Anna Salai, Chennai 600 002 and (2) property bearing Door No.13/6, Daulalth Khan Bahadur Street, Ellis Road, Chennai 600 002 forthwith pursuant notices of the respondents 5 and 6 in Notice No.:/ZONE-IX/103/2017, dated 14.04.2017 and their subsequent notices and proceedings by demolishing the said buildings henceforth.

For petitioner : Mr.H.Haza Nazuruddin
for Mr.A.Ilayaperumal



WEB COPY

For respondents

for R1	:	Mr.R.Siddharth
for R2	:	Mrs.P.Veena Suresh
for RR3 to 7	:	Mr.K.Raja Shrinivas
for RR8 to 10	:	Mrs.H.Yasmeen Ali
for R11	:	Mr.Venkatesh
for R12	:	No Appearance
for R13	:	Mr.T.Velumani
for R14	:	Mr.R.Venkatavarathan

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. Heard the learned counsels appearing for the parties and perused the materials available on record.

3. The petitioner has come up with this Writ Petition, seeking direction to the respondents 1 to 8 to take appropriate action for the illegal and un-authorized construction put up by the 13th respondent.

4. It appears that the private respondents had instituted a suit against the Wakf Board and the Chennai Corporation before the Civil Court, seeking permanent injunction, wherein an interim injunction has been granted. Challenging the same, the petitioner has preferred revision.

5. The learned Senior Standing Counsel appearing for the Greater Chennai Corporation Mr.K.Raja Shrinivas would state that an order of interim injunction was granted in the Civil Suit as against the Chennai Corporation, hence, no further action could be taken against the illegal and unauthorised construction. Once interim order is vacated, the Corporation is ready to take action in accordance with law.

6. Recording the statement of the learned Senior Standing Counsel appearing for the Corporation, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



1. The Secretary to Government,
Tamil Nadu Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Rajaji Salai, Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Ervin Road,
Egmore, Chennai 600 008.
3. The Commissioner,
Greater Chennai Corporation of Chennai,
Rippon Building,
Chennai 600 003.
4. The Executive Engineer,
Greater Chennai Corporation of Chennai,
Zone-IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600 034.
5. The Assistant Executive Engineer,
Greater Chennai Corporation of Chennai,
Zone-IX, U-27,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600 034.
6. The Assistant Engineer,
Greater Chennai Corporation of Chennai,
Zone-IX, Division No.114,
23/47, Arunachalam Street,
Triplicane,
Chennai 600 005.
7. The Executive Engineer,
Town Planning Enforcement,
Office of the Regional Joint Commissioner,
Corporation of Chennai Zone IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600 034.
8. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.



9. The Superintendent of Wakfs,
Tamil Nadu Wakf Board,
Chennai District,
No.139, Dr.Besant Road,
Ice House,
Chennai 600 005.
10. The Inspector of Wakfs,
Tamil Nadu Wakf Board,
Chennai District,
No.139, Dr.Besant Road,
Ice House,
Chennai 600 005.
11. The Assistant Engineer
TANGEDCO (Tamil Nadu Electricity Board),
Triplicane Distribution Circle,
Triplicane,
Chennai 600 005.

+1 cc to Mr.A.Ilayaperumal, Advocate Sr.NO.5527
+1 cc to Mr.R.Venkatavarathan, Advocate Sr.NO.5970
+1 cc to Mr.Mrs.P.Veena Suresh, Advocate Sr.NO. 5757

W.P. No.33500 of 2019

GJ(CO)
A.SK(21.02.2022)