



W.P.No.2010 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.No.2010 of 2019
and
W.M.P.No.2269 of 2019
--

.. Petitioner

Janab M.Abbas

Vs.

1. Chennai Metropolitan Development Authority,
Rep. by its Chief Executive Officer,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
2. The Block Development Officer,
Padappai, Kundrathur Block,
Malaiyamabakkam Village,
Kancheepuram District.
3. The Tahsildar,
Pallavaram Taluk,
Malayambakkam Village,
Kancheepuram District.
4. The Divisional Engineer,
TNEB, Kundrathur Road,
Porur, Chennai-116.
5. The Assistant Divisional Engineer,
TNEB, Avadi Road, Sennerikuppam,

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Poonamallee, Chennai-600 056.

6. The Assistant Engineer,
TNEB, Avadi Road, Sennerikuppam,
Poonamallee, Chennai-600 056.
7. The Big Mosque,
Rep. by its President Mr.Y.Abdul Razak,
Poonamallee, Chennai-600 056.
8. The Tamil Nadu Wakf Road,
Represented by the Chief Executive Officer,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar, Chennai-1.
(Eighth respondent impleaded as per
order dated 31.07.2019 in W.M.P.No.12461
of 2019 in W.P.No.2010 of 2019)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first and second respondents in association with other official respondents to stop and demolish the unauthorised constructions of a Mosque being undertaken by the seventh respondent on Waqf property in Survey No.152 at Malayampakkam Village, Kancheepuram District, within a time frame as may be fixed by this Court.

For petitioner : Mr.A.Gokul Krishnan

For respondents : Mr.R.Thamraiselvan, Standing Counsel for R-1

Mr.A.Selvendran, Spl.G.P. for RR-2 and 3

Mr.L.Jai Venkatesh, for RR-4 to 6

Mr.S.Hussain Afrose for R-7

Ms.Abiramee for M/s.V.Srimathi for R-8



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ORDER

(The Order of the Court was made by D.Krishnakumar)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first and second respondents in association with other official respondents to stop and demolish the unauthorised constructions of a Mosque being undertaken by the seventh respondent on Waqf property in Survey No.152 at Malayampakkam Village, Kancheepuram District, within a time frame as may be fixed by this Court.

2. The petitioner is a Member of Jamath and a person interested in Big Mosque, Poonamallee, Chennai. The Pallivaasal Managing Committee had now high-handedly and hurriedly started raising construction of a Mosque in the Waqf property comprised in Sy.No.153, situated at Malayampakkam Village, Kancheepuram District.

3. According to the petitioner, the private respondent, namely the seventh respondent started construction work in the aforesaid property and the petitioner has approached this Court with photographs to show that the seventh respondent has made an attempt for construction of the Mosque in the property



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without obtaining any permission/approval from the authority concerned.

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4. In the present Writ Petition, the said construction in the seventh respondent-Big Mosque, is illegal and therefore, he seeks to take necessary action to stop unauthorised construction and also made a representation on 15.12.2018 to the respondents/authorities, but no action has been taken on the same, and hence, the petitioner has filed this Writ Petition for the relief stated supra.

5. The first respondent-CMDA and the second respondent-Block Development Officer have filed counter affidavits disputing the averments of the petitioner.

6. On a perusal of the affidavit filed in support of the Writ Petition and the counter affidavits filed by the respective respondents, it is seen that the petitioner has made a complaint to the first respondent-CMDA and based on the instructions of the first respondent, the second respondent has examined the issue and had taken necessary action. It is also stated that the seventh respondent has not made any application for approval of the building or permission before the authority concerned. Therefore, the construction of the

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Mosque or any building in the said place, is illegal and unauthorised. The authority may inspect and issue notice to the second respondent.

7. In the light of the statement made by the learned counsel for the second respondent, it seems that the seventh respondent has constructed the Mosque or building in question without approval. Therefore, we are inclined to direct the second respondent to take necessary action for removal of the illegal construction in the aforesaid property in question by following the procedures as contemplated under the relevant Act, after affording an opportunity of hearing to the parties. The said exercise shall be completed by the second respondent and action taken within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

(D.K.K., J) (P.D.B.,J)
21.06.2023

Index: Yes/no

Speaking Order: Yes/no

Neutral Citation: Yes/no

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