



W.P.No.7714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7714 of 2023

Z.Mohamed Tahir Sahib

..

Petitioner

-vs-

1. Union of India
represented by the Chief Secretary
to Government
Government of Puducherry
Chief Secretariat
Puducherry
2. Secretary to Government
Department of Hindu Religious Institution
& Wakf
Government of Puducherry
Chief Secretariat
Puducherry
3. The Chief Town Planner – cum Member Secretary
State Level Heritage Conservation and



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Advisory Committee
Town & Country Planning Department
Government of Puducherry
Puducherry

4. The Member Secretary
Karaikal Town Planning Authority
Karaikal District
Karaikal 609 602
 5. The District Collector
Karaikal District
Karaikal 609 602
 6. The Commissioner
Karaikal Municipality
Karaikal District
Karaikal 609 602
 7. The Wakf Officer
Puducherry State Wakf Board
No.1 & 3, Yenam Venkatachalam Pillai Street
Puducherry 605 001
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, declaring the entire course of action of the proposal to demolish the ancient Big Mosque situated at Masthan Palli Street, Karaikal Town, Karaikal from inception leading to issuance of undated Tender Notification inviting tenders for the purpose of demolition of Central Mandapam, East Wathif Mandapam and adjoining hall portion and north Mandapam and adjacent urinal block upto the ground level thereof as illegal, void-ab-initio and unconstitutional and direct the respondents to preserve, conserve and maintain the ancient Big Mosque situated at Masthan Palli Street, Karaikal Town, Karaikal of its historical



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and architectural structures in its pristine and holistic form without being defied and de-sanctified.

For Petitioner :: Mr.R.Natarajan

For Respondents :: Ms.V.Usha
Additional Government Pleader
(Pondy)

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.Z.Mohamed Tahir Sahib has filed this writ petition praying for issuance of a writ of declaration, declaring the entire course of action of the proposal to demolish the ancient Big Mosque situated at Masthan Palli Street, Karaikal Town, Karaikal from inception leading to issuance of undated Tender Notification inviting tenders for the purpose of demolition of Central Mandapam, East Wathif Mandapam and adjoining hall portion and north Mandapam and adjacent urinal block upto the ground level thereof as illegal, void-ab-initio and unconstitutional with a consequential direction to the respondents to preserve, conserve and maintain the ancient Big Mosque situated at Masthan Palli Street, Karaikal Town, Karaikal of its historical and architectural structures in its pristine and holistic form



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without being defied and de-sanctified.

2. Heard both sides.

3. In similar circumstances, when one Mr.M.I.Mohamed Bugari filed Writ Petition No.5814 of 2023 seeking issuance of a mandamus directing the Reconstruction Committee-AUQAF, Peria Pallivasal, Masthan Sahib Valliyullah Dargah Shareef, Karaikal to complete the reconstruction/alteration work at Peria Pallivasal, Masthan Palli Street, Karaikal, this Court, finding that there is a dispute pertaining to the wakf or wakf property, directed the petitioner therein to approach the Wakf Tribunal holding that he cannot come to this Court by way of a writ petition under Article 226 of the Constitution of India, by order dated 27.02.2023. Therefore, when on an earlier occasion, when Mr.M.I.Mohamed Bugari had come to this Court seeking a mandamus to the fourth respondent/ Reconstruction Committee to complete the reconstruction/alteration work at Peria Pallivasal, Masthan Palli Street, Karaikal, we had directed the



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petitioner therein to approach the Tribunal, the contra prayer made by the petitioner herein cannot be entertained as effectively, both are making allegations only against the Reconstruction Committee that they are not performing their work and/or that they are not considering the heritage nature of the building. Therefore, we direct the petitioner also to approach the Wakf Tribunal to workout his remedy within a period of two weeks time. With this observation, the writ petition stands dismissed. Consequently, W.M.P.No.7913 of 2023 is also dismissed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

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SS

To

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to Government of Puducherry
Chief Secretariat
Puducherry



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