



WEB COPY



W.P.No.11834 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.11834 of 2018
and W.M.P.No.13814 of 2018

The Executive Officer
/Superintendent of Wakfs
Nawab Chanda Mian Pallivasal
No.77, Mattalankulam street
Tiruvannamalai – 606 601.

.. Petitioner

Vs.

1.The State of Tamil Nadu
Represented by Principal Secretary
Backward Classes, Most Backward Classes
and Minorities Welfare Department
Fort St. George, Chennai.

2.The District Collector
Tiruvannamalai District.

3.The Block Development Officer
Thurinjipuram Panchayat Union
Tiruvannamalai District.

4.The Additional Director of Panchayat
Thiruvannamalai District.



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5. The District Educational Officer
Thiruvannamalai.

6. The Tamil Nadu Wakf Board
Represented by its Chief Executive Officer
No.1 Jaffer Syrang street
Vallal Seethakathi nagar
Chennai-1.

7. Kids Zone Nursery
and Primary School
Represented by its Correspondent J.A.Ajeez
No.12A, 6th street
Gandhi nagar
Tiruvannamalai - 606 601.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take action against the 7th respondent for unauthorised construction in S.No.4/3, Inam Velakandhal Village, Tiruvannamalai Taluk and District.

For Petitioner : Mr.I.Kowser Nissar

For R1 to R5 : Mr.E. Vijay Anand

Additional Government Pleader

For R6 : Mr.G.Mohammed Aseef

For R7 : Mr.S.Thanka Sivan



ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

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The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 6 to take action against the 7th respondent for putting up unauthorised construction.

2. According to the petitioner, erstwhile Mutawalli of Nawab Chanda Mian Pallivasal has granted lease to the 7th respondent in respect of four acres of land in S.No.4/3, Inam Velakandhal Village, Tiruvannamalai District for running school and educational institutions. The 6th respondent granted permission and submitted the proposal to the 1st respondent. The 1st respondent rejected the proposal holding that the lease is in violation of the Wakf Properties Lease Rules 2014. Against the said order of rejection, the 7th respondent filed W.P.No.35048 of 2015 for grant of lease. This Court by the order dated 02.11.2015 ordered status-quo and directed the 7th respondent to pay monthly rent to the petitioner. The 7th respondent filed O.S.No.3 of 2018 before the District Munsif Court, Tiruvannamalai, obtained interim order and put up compound wall. According to the petitioner, the 7th respondent without permission



of the Wakf Board and authorities, cannot put up any construction in the property. The construction put up by the 7th respondent is unauthorised.

Therefore, the petitioner has come out with the present Writ Petition for the above stated relief.

3. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the respondents 6 & 7 and perused the materials on record.

4. From the materials on record, it is seen that the petitioner has stated that the 7th respondent has made unauthorised construction in the Wakf property without any approval. Further, the petitioner has made various averments with regard to title of the property and lease given to the 7th respondent. Considering the nature of relief sought for in the Writ Petition, without deciding the issue with regard to title of the property and lease given to the 7th respondent, this Court directs the 3rd respondent to inspect the property after issuing notice to the petitioner as well as 7th respondent, within a period of two weeks from the date of receipt of a copy of this order and if they find any unauthorised construction, take



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action against the 7th respondent within a period of eight weeks thereafter.

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

(V.M.V., J) (V.L.N., J)
14.03.2023

Index : Yes / No
Neutral Citation : Yes / No

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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

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