



W.P.No.11438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Gopinath

.. Petitioner

Vs

1.The District Collector,
Rajaji Salai,
Chennai – 600 001.

2.The Corporation Commissioner,
Greater Chennai Corporation Office,
Rippon Building,
Chennai – 600 003.

3.The Commissioner of Police,
Greater Chennai Police Office,
Vepery, Chennai – 600 007.

4.Rabbaniya Arabic College,
No.59/115, Purasawakkam,
Barracks Road,
Perambur,
Chennai – 600 011.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to take necessary actions to remove the unauthorised construction permanently which was constructed by the fourth respondent by considering the petitioner's representation dated 20.03.2023.

For the Petitioner : Mr.Deepan Uday

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 and 3

: Mr.D.B.R.Prabhu
Standing Counsel
for respondent No.2

ORDER

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

K.Gopinath, son of Kuppusamy, a resident of No.6/1, R.K. Apartment, Vivekananda Nagar, College Road, Tiruppur, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 to 3 to take action for removal of the unauthorised construction put up by the fourth respondent/Rabbaniya Arabic



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College, by considering the petitioner's representation dated 20.3.2023.

2. Learned counsel appearing for the petitioner would submit that on 20.3.2023 the petitioner has submitted a representation to the respondent authorities complaining that a lodge, which was functioning at No.59/115, Barracks Road, Perambur, Chennai, is for the past four years being used as Arabic college in the name of Rabbaniya. He would submit that now attempts are being made to convert the Arabic college into mosque and prayers are also offered. Moreover, a pucca construction is going on without obtaining proper approval from the Chennai Corporation. Despite receipt of the said representation, no action has been taken so far. Hence, the petitioner has been advised to file this writ petition. If a direction is issued on the respondent authorities to consider the representation of the petitioner and pass orders, no prejudice would be caused to anyone, he pleaded.

3. Learned Government Pleader appearing for respondents 1



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and 3 submitted that this is a fit case for dismissal with costs, as the petitioner has no locus to file this writ petition. Secondly, the petitioner is a resident of Tiruppur and there is no justifiable reason adduced to seek a writ of mandamus as against the usage of this particular building.

4. A perusal of the affidavit filed in support of the writ petition indicates two vital facts. Firstly, the petitioner is residing at No.6/1, R.K. Apartment, Vivekananda Nagar, College Road, Tiruppur District and there is no whisper as to how he came to know about the construction of the so-called structure at Chennai, particularly its usage as a mosque. Secondly, the petitioner has not made out a definite case as to how he is going to be prejudiced by the act of the fourth respondent in converting the Arabic college as mosque. No proof whatsoever has been placed before this Court to substantiate the plea of the petitioner. The petitioner has simply mentioned that there is a temple called Subbaiah Mutt Sivan temple nearby the place in question and if Arabic college is converted into a mosque, there will be a public nuisance.



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5. In our considered opinion, the apprehension of the petitioner is unfounded. The Constitution of India supports and encourages religious harmony in India. Probably, the petitioner is unaware of the fact that in Karaikal, inside the Arulmighu Angala Parameswari Temple, a Muslim Saint, by name Mutthalu Ravuthar, was buried and people belonging to both the communities worship both the deity as well as the Dargah by lighting lamps or incense sticks, as the case may be. When there is such religious harmony in diversity in this land, we do not find any substance in the apprehension of the petitioner that riots may occur if the college is used as a mosque.

6. For the reasons aforesaid, the writ petition is dismissed with costs assessed at Rs.25,000/- payable by the petitioner to the credit of Madras High Court Advocate Clerks' Welfare Association within a period of two weeks from the date of receipt of a copy of this order.

(T.R., ACJ.) (D.B.C., J.)
17.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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