



W.A.No.1668 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1668 of 2023

The Reconstruction Committee of
Management - AUQAF
Rep. by its President
Periya Palli Vasal
Maasthan Sahib Valiyullah Dargah Shareef
Masthan Palli Street
Karaikal 609 602.

.. Appellant

Vs.

1. Z.Mohamed Tahir Sahib
2. Union of India
rep. by the Chief Secretary to Government
Government of Puducherry
Chief Secretariat
Puducherry.
3. The Secretary to Government
Department of Hindu Religious Institution and WAQF
Government of Puducherry
Chief Secretariat
Puducherry.

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4. The Chief Town Planner cum Member Secretary
State Level Heritage Conservation and Advisory Committee
Town and Country Planning Department
Government of Puducherry
Puducherry.
 5. The District Collector cum District Magistrate
Government of Puducherry
Office of the District Magistrate
Karaikal, Puducherry.
 6. The WAQF Officer
Puducherry State WAQF Board
No.1 & 3, Yenam Venkatachalam Pillai Street
Puducherry.
 7. The Director General of Archaeological Survey of India
Dharohar Bhawan
No.24, Tilak Marg
New Delhi 110 001.
 8. The Director
Archaeological Survey of India
Room No.328, C Wing
Shastri Bhawan
New Delhi 110 001.
 9. The Senior Conservation Assistant
Archaeological Survey of India
Puducherry Sub Circle
No.17, III Cross, Anna Nagar, Nellithope
Puducherry.
- .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 05.05.2023 made in W.P.No.14386 of 2023.



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For the Appellant : Mr.T.P.Manoharan
Senior Counsel
For Mr.T.M.Naveen

For the Respondents : Mr.P.Venkatraman
for Respondent-1

Mr.Ramasamy Meyyappan
Government Advocate (P)
for Respondents 2 to 9

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.T.P.Manoharan, learned Senior Counsel for Mr.T.M.Naveen, learned counsel for the appellant, Mr.P.Venkatraman, learned counsel for the first respondent and Mr.Ramasamy Meyyappan, learned Government Advocate for the respondents 2 to 9.

2. The appellant assails the order passed by the learned Single Judge dated 05.05.2023 and subsequently, clarified on 10.08.2023, in W.P.No.14386 of 2023.



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3. Amongst other submissions, one of the submission of learned Senior Counsel for the appellant is that though the appellant was the sixth respondent in the writ petition, no notice was issued to the sixth respondent/present appellant and the writ petition was disposed of recording the statement of learned Additional Government Pleader. According to the appellant, reconstruction is also required for some part of the property. The same has not been considered.

4. According to learned counsel for the original writ petitioner/ first respondent herein, in fact, the building is a heritage building and the present appellant is trying to demolish the heritage structure.

5. It would appear that the writ petition is disposed of by recording the statement of learned Additional Government Pleader.

6. As the stand of the present appellant is otherwise than the stand of the Government and that the present appellant has not



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been served with the notice of the writ petition, it would be appropriate that opportunity is given to the present appellant also to put forth its case.

7. In the light of that, the impugned order passed by the learned Single Judge is set aside. The parties herein shall appear before the learned Single Judge on 18.09.2023. The learned Single Judge may, thereafter, take up the matter, as per his convenience and pass orders. It is made clear that there is no stay for the maintenance work. However, no part of the subject building shall be demolished until further orders of the learned Single Judge.

8. The writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.14843 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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