



W.P.No.32458 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.32458 of 2017

Abdul Basith

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. By its Secretary
Housing and Urban Development
Fort St.George
Chennai – 600 009.
2. The Secretary of School Education
Government of Tamil Nadu
Fort St.George
Chennai – 600 009.
3. The Chennai Metropolitan Development Authority
Rep. By its Member Secretary
Thalamuthu Natrajan Maligai
No.8, Gandhi Irwin Road
Egmore, Chennai – 600 008.
4. The Heritage Conservation Commission
Rep. By its Chairman
Thalamuthu Natarajan Maligai
No.8, Gandhi Irwin Road
Egmore, Chennai – 600 008.



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5. The Secretary
Public Works Department
Fort St. George
Chennai – 600 009.
6. The Secretary
Department of School Education
Fort St.George
Chennai – 600 009.
7. The Corporation of Chennai
Rep. By its Commissioner
Ripon Buildings
Chennai – 600 002.
8. The Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallai Seethakathi Nagar
Chennai – 600 001.
9. The Prince of Arcot Endowments
Amir Mahal, Royapettah
Chennai – 014.

[R9 impleaded vide order dated
20.12.2018 in W.M.P.No.39568 of 2018
in W.P.No.32458 of 2017]

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to forbear from permitting, authorizing or allowing demolition, modification or alteration or any further construction of the Heritage Structure of the School buildings and campus under the name and style of Government Madrasa – I – Azam Higher Secondary School Buildings situate at Anna Salai, Chennai – 600 002, in a manner without following and complying the Annexure XXV of the Development



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Control Rules for Chennai Metropolitan area and also the orders of this Hon'ble Court in W.P.No.25306 of 2006 dated 29.04.2010.

For the Petitioner : Mr.R.Abdul Mubeen and
Mr.Najeeb Usmankhan

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for R1, R2, R5 & R6

Mr.Avinash Wadhwani
for Ms.V.Srimathi
for R8

Mr.C.Manoharan
for R3

Mr.E.C.Ramesh
for R7

No appearance for R9

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.R.Abdul Mubeen and Mr.Najeeb Usmankhan, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for respondents 1, 2, 5 & 6, Mr.Avinash Wadhwani learned counsel appearing for Ms.V.Srimathi, learned counsel for respondent 8, Mr.C.Manoharan, learned counsel for respondent 3 and Mr.E.C.Ramesh, learned counsel for respondent 7.



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2. Learned counsel for the petitioner submits that the Madrasa – I – Azam Higher Secondary School is more than 1200 year old Institution, located at the prime Anna Salai. The said School is situated on the property belonging to the Nawab of Carnatic / Arcot. The Nawab of Wallajah has established the Madrasa in 1961 for children of the royal family of Carnatic. Subsequently, the medium of instruction was widened and students were also admitted for registration.

3. It is further submitted that the School building is a heritage building and is classified as a Grade-I Building. The same is evident from the Commission Report at Serial No.229. The School building is designated as a heritage structure. It is submitted by the learned counsel that the heritage structure cannot be demolished, but the respondents are trying to demolish the said structure. According to the learned counsel, the heritage structure is required to be maintained and the respondents may take steps to renovate or restore the heritage structure, but not to demolish it.



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4. If the structure is a heritage structure, certainly, the same cannot be dealt with without a report of the Heritage Commission.

5. Learned Special Government Pleader has placed on record the communication in regional language. According to the learned Special Government Pleader, the respondents are shifting the School to another building by constructing another building nearby to accommodate the students and there is no intention to demolish the writ structure.

6. The petitioner may communicate with the Heritage Commission. On receipt of the application / representation from the petitioner, the Heritage Commission shall inspect the writ property and take appropriate decision with regard to the writ property. The Heritage Commission is entitled to take further steps and issue directions with regard to the preservation and maintenance of the writ structure.



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7. The Heritage Commission shall inspect the said property, preferably within six weeks from the date of receipt of the representation. The parties shall act further, as per the decision and directions of the Heritage Commission.

8. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.35758 of 2017 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

20.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESAVALU, J.

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