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W.P.No.33830 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2023

CORAM

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

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Muhammad Mujeebur Rahman
Secretary
Nawab Fazeelathunnisa Begum
Saheba Mosque & Endowment (Wakf)
796, Old No.419, Anna Salai
Nandanam, Chennai-35

.. Petitioner

Vs.

- 1.The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai
- 2.The Zonal Officer
Greater Chennai Corporation
118, Dr.Muthulakshmi Salai
Adyar, Chennai - 20
- 3.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore, Chennai
- 4.Assistant Executive Engineer
Corporation of Chennai
Adyar Zone XIII, L.B.Road, Adyar, Chennai - 20
- 5.The Tamil Nadu Wakf Board
Rep. by Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar, Chennai - 1



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6.The Secretary to Government of Tamil Nadu
Tamil Nadu Housing and Urban Development Department
Fort St. George, Chennai - 90

7.Parveen Pappa

8.Mohammed Nizamuddin Pappa

9.Dr.Hisamuddin Papa

.. Respondents

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 remove the unauthorized construction put up by respondents 7 to 9 at Door No.786, Anna Salai, Chennai - 35 and Plot No.27 bearing Door No.43/19, Model Hutment Road, Nandanam sought *vide* representation dated 30.10.2022.

For Petitioner	: Mr.N.A.Nissar Ahmed Senior Counsel
For Respondents 1, 2 and 4	: Mr.D.B.R.Prabhu Standing Counsel
For 3 rd Respondent	: Mr.C.N.Vinobha Standing Counsel
For 5 th Respondent	: Mr.V.Lakshminarayanan
For 6 th Respondent	: Ms.R.L.Karthika Government Advocate
For Respondents 7 to 9	: Mr.S.Thanka Sivan for Mr.A.S.Vijayaraghavan

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 6 to remove the unauthorized construction put up by respondents 7 to 9 at Door No.786, Anna Salai, Chennai - 600 035 and at Plot No.27, bearing Door No.43/19, Model



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Hutment road, Nandanam, sought *vide* representation dated 30.10.2022.

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2. Heard the learned counsels appearing for the parties and perused the entire materials on record.

3. Learned counsel appearing for the petitioner submitted that the petitioner is the Secretary of Nawab Fazeelathunissa Begum Sahiba Mosque and Endowment Wakf. The properties of the said Wakf has been leased out to various third parties and they put illegal construction without any approval from the respondents 1 and 2. Even after the order dated 24.11.2016, passed by this Court in W.P.No.35867 of 2016, the respondents 1 to 6 have not taken any action against the illegal construction put up in the Wakf property. W.P.No.10449 of 2017, filed by one Ghiasunniusa Begum, mother of the 9th respondent, challenging the letter of the 6th respondent refusing for regularisation of the unauthorized construction put up by the mother of the 9th respondent, was dismissed by this Court, by the order dated 25.04.2017. In the appeal filed by the 9th respondent, the Government of Tamil Nadu granted six months time to carry out necessary modification to the building and comply with the Rules and get orders for regularisation and approval.



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In spite of the said order, the 9th respondent has not complied with the direction issued by the 6th respondent Government for regularisation. The respondents 1, 2 and 4 have not taken any steps for deviation of the approved plan, where Ground + 4 floors has been constructed illegally. Therefore, the petitioner made a representation dated 30.10.2022 to the respondents 1 to 6. Since no action has been taken on the said representation, the petitioner has come out with the present writ petition.

4. Learned counsel appearing for the respondents 7 to 9 submitted that he has filed counter affidavit stating that how the 9th respondent has derived the title of the property and prays for dismissal of this writ petition.

5. From the materials on record and contention of the learned counsel appearing for the petitioner and learned counsel for the 5th respondent, it is seen that respondents 7 to 9 and mother of the 9th respondent put up construction unauthorisedly without obtaining any approval and permission from the authorities. The respondents 1 to 6 have not taken any action as per the order dated 24.11.2016, passed by this Court in W.P.No.35867 of 2016. The 9th respondent has not complied



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with the direction issued by the 6th respondent Government for modification of the building and to get the regularisation. Learned counsel appearing for the respondents 7 to 9 made submissions with regard to title of the property. The petitioner has made serious allegations for not complying the directions issued by this Court as well as by the Government. In view of these allegations, the respondents 1 to 4 are directed to inspect the building in question within a period of two weeks from the date of receipt of a copy of this order and if any unauthorized construction has put up without any approval plan or in deviation of the approval plan, take action in accordance with law, after issuing notice to the petitioner and respondents 7 to 9, within a period of eight weeks thereafter.

With the above directions, the writ petition is disposed of.

No costs.

(V.M.V., J) (R.H., J)
20.02.2023

Index : Yes / No

Neutral citation : Yes/No

gya

V.M.VELUMANI, J.
AND

