



W.P. No.29281 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.29281 of 2018
and WMP.No.34215 of 2018

S.Syed Ismail

.. Petitioner

Versus

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai 9.
2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
4. Krishnagiri Municipality,
Rep. by its Commissioner,
Krishnagiri.
5. District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.
6. Block Educational Officer,
Krishnagiri Block, Krishnagiri.

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7. Tamil Nadu Wakf Board,
Rep. by its Jamath Executive
Santhome High Road,
Nochi Nagar,
Mylapore,
Chennai 4.
8. The Superintendent,
4A, Janab Wakf Board,
Thippu Sulthan Complex,
Salem 1.
9. Inspector of Wakf,
Wakf Board Office,
77, Md. Ali Club Road,
Dharmapuri.
10. Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
11. Sunnath Jamath Masjid,
Big Masjid, Chowk Masjid, Rasool Masjid,
Rep. by its Secretary,
Doulatabad,
Krishnagiri 635 001.
12. M.Sahebjan
13. G.Basheer
14. K.S.Mohammed Yahia
15. Aslam @ Rehman Sherif
16. Karamath
17. C.Firdhousekhan
18. Suhel
19. Fairoshkhan @ Minnal
20. Jamir Sahab
21. Munavar Khan
22. B.Kamalkhan
23. Babulal
24. G.M.Natheemkhan
25. C.Iqbal

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 10 not to permit the respondents 12 to 25 to put up any construction in property having an extent of 1786 sq. ft. comprised in New Survey No.66, corresponding to Old Survey Numbers 927, 934/1B2A, 934/1A1 as per Sub-Division on Bohanapalli Village in Block D/8 within Krishnagiri Municipality and also to grant permission to construct Urdu School at Old Survey Nos.915, 920 New Municipal Survey Nos.73 and 74 having extent of 18 cents in Krishnagiri Town.

For petitioner : Mr.C.Mahendran

For respondents

for RR1 to 3, 5, 6 & 10 : Mr.E.Vijay Anand, AGP

for R4 : Mr.B.Anand

for RR7 to 9 : Mr.S.Hajamohideen Gisthi

for RR11 to 20,23,24 : No Appearance

for RR21, 22 and 25 : Notice not ready

ORDER

(The Order of the Court was made by D.KRISHNAKUMAR, J)

The present Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 10 not to permit the respondents



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12 to 25 to put up any construction in the property having an extent of 1786 sq. ft. comprised in New Survey No.66, corresponding to Old Survey Numbers 927, 934/1B2A, 934/1A1 as per Sub-Division on Bohanapalli Village in Block D/8 within Krishnagiri Municipality and also to grant permission to construct Urdu School at Old Survey Nos.915, 920 New Municipal Survey Nos.73 and 74 having extent of 18 cents in Krishnagiri Town.

2. It is the case of the petitioner that he is a former Joint Secretary of eleventh respondent Wakf Board. During the year 1911, the above Jamath was established as a Madarassa and later converted into Urdu and Primary School. Now upgraded as Middle School. As there is no sufficient space to accommodate new students, the petitioner made a request to the Government to construct a new building in the vacant space at Old Survey Nos.915, 920 New Municipal Survey Nos.73 and 74 having an extent of 18 cents. However, the respondents 12 to 25 had collected donations from public and have started construction in alternate place without obtaining planning permission. Hence, the present Writ Petition.



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3. When the matter came up before this Court, this Court by the order dated 02.11.2018 directed the fourth respondent Municipality to inspect the construction and submit a report. As per the order of this Court, the fourth respondent filed a status report, dated 04.12.2018 stating that they conducted spot inspection and found that the said Urdu School was in a old tiled building with earthen walls. Owing to the dilapidated condition of the School building, the students were transferred to the Municipality, Sub Jail Road School.

4. While so, Mr.T.Sengutuvan, M.L.A. filed a petition seeking permission for constructing a new building for Urdu School. On inspection, the fourth respondent gave no objection for demolishing the dilapidated School, but instructed them to give a fresh application seeking building permission for constructing new building. However, without obtaining any permission, the eleventh respondent started construction in Ward-D, Block-8, 166 sq.mts in Town Survey No.66. On receipt of a complaint from the petitioner stating that the eleventh respondent has been constructing building without permission, the fourth respondent issued a show cause notice under



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Section 216(2) of the Tamil Nadu District Municipalities Act, 1920. On receipt of the notice, eleventh respondent replied that they have no intention to build a School but they are only building a Motheressa for the welfare of the Muslim children.

5. As per the above status report, it is clear that the said foundation was laid by the eleventh respondent without any permission from the respondent Municipality and now construction has been stopped in the said place.

6. Recording the above status report, this Writ Petition is disposed of directing the respondent Municipality to take appropriate action against the unauthorised construction, if any as per law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J] [P.D.B., J]
26.06.2023

Speaking order: Yes/No
Index : Yes/No
pvs



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