



W.P.(MD)No.19254 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.19254 of 2023
and W.M.P.(MD) No.19254 of 2023

V.S.T.Amanullah

...Petitioner

-Vs.-

- 1.The District Collector,
Tirunelveli.
- 2.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 3.The Executive Engineer,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 4.The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
Chennai.
- 5.V.S.T. Thamusthaseen Tharaganar Hameem Pallivasal,
Madrasa Waqf Alal-Aulad,
Melapalayam,
Rep. by its Mutawalli,
Melapalayam,
Tirunelveli.



W.P.(MD)No.19254 of 2023

6.Hameempuram South Street Jamath,
Rep. by its Secretary T.M.Meeran Mohideen,
S/o Abdul Majeed,
No.93, Hameempuram South Street,
Melapalayam,
Tirunelveli.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take against the unauthorized construction of Pallivasal by the 6th respondent in S.No.1/2, Melapalayam, Tirunelveli District and remove the same.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.S.Kameswaran,
Government Advocate for R1

Mr.S.P.Maharajan,
Special Government Pleader
for R2 & R3

Mr.S.A.Ajmal Khan for R4

Mr.T.Selvan for R6

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to take action against the unauthorized construction of Pallivasal by the 6th respondent in S.No.1/2, Melapalayam, Tirunelveli District.



W.P.(MD)No.19254 of 2023

2. The complaint of the writ petitioner is that the 6th respondent put up unauthorized construction of Pallivasal in a land classified as burial ground.

3. Learned Government Advocate appearing on behalf of the State and the learned Special Government Pleader appearing on behalf of the Tirunelveli City Municipal Corporation made a submission that no building plan was granted by the District Collector to construct any religious institution and more so, the subject property is also classified as burial ground.

4. Learned counsel for the 4th respondent Tamil Nadu Wakf Board contended that no permission was granted by the Wakf Board and therefore, the construction by the 6th respondent is unauthorized and without the approval of the Tamil Nadu Wakf Board.

5. In view of the fact that the State authorities as well as the Tamil Nadu Wakf Board contended that the 6th respondent constructed the religious institution without getting any building plan permission or approval from the District Collector and more so in the land classified as



W.P.(MD)No.19254 of 2023

burial ground, the respondents 1 to 3 are directed to remove the constructions and use the property for the purpose it was originally intended. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**[S.M.S.J.] & [V.L.N.J.,]
29.11.2023**

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
SJ

To

- 1.The District Collector,
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Tirunelveli.
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W.P.(MD)No.19254 of 2023

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W.P.(MD)No.19254 of 2023

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