



W.P.No.13671 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13671 of 2024
and W.M.P.Nos.14842 and 17413 of 2024

H.Rahmath Ali

... Petitioner

-Vs-

1. The Secretary To Government Of Tamil Nadu,
Religious Endowment Department,
Fort St. George, Chennai-600 009.
2. The Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Egmore,
Chennai-600 008.
3. The Commissioner,
Corporation Of Chennai,
Rippon Building, Chennai-600 003.
4. The Commissioner Of Income Tax,
Department Of Income Tax,
Nungambakkam High Road,
Chennai-600 034.
5. The Inspector General of Registration,
100, Kamarajar Salai,



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Mylapore, Chennai- 600 004.

6. The Secretary / CEO,
Tamil Nadu Wakf Board,
Jaffar Sarang Street,
Vallal Seethathi Nagar,
Chennai-600 001.
7. The Collector,
Chennai District,
Singaravelan Maligai,
Rajaj Salai, Chennai-600 001.
8. The Tahsildar,
Greenways Salai,
Mylapore, Chennai- 600 004.

9. Rehane

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent not to issue planning permission or any other permission to the 9th respondent or her employees or representative for the properties at Old Door No.18, New No.121, Survey No.245/1 and R.S.No.246, General Patters Road, Mound Road, Chennai- 600 002 without the knowledge of the petitioner and other legal heirs of the Wakif (founder).

For Petitioner	: M/s H.Mubena Almas
For R1, R5, R7 & R8	: Mr.V.Manoharan Additional Government Pleader



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For R2	: Mrs.P.Veena Suresh Standing Counsel
For R3	: Mr.E.C.Ramesh Standing Counsel
For R4	: No appearance
For R6	: Mr.Avinash Wadhwani Standing Counsel
For R9	: Mrs.A.Ajimath Begum

ORDER

This writ petition has been filed for direction directing the second respondent not to issue any planning permission or any other permission to the 9th respondent in respect of the property comprised in S.No.245/1, R.S.No.246 situated at Old Door No.18, New No.121, General Patters Road, Mound Road, Chennai- 600 002, without any knowledge of the petitioner and other legal heirs of the wakif.

2. Heard and perused the materials available on record.

3. The property situated at Door No.18, New No.121, General Patters Road, Mound Road, Chennai- 600 002, Corporation Division No.85, Survey No.245/1, Block No.8, Old Survey No.36, CC No.3643, ad-measuring 4 grounds 320 sq.ft originally belongs to Aga Mirza



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Mohammed Ali Namazie. Adjacent to the said property, the property ad-measuring one ground and 134 sq.ft. comprised in Corporation Division No.85, O.S.No.36. R.S.No.246, CC.No.486 situated at General Patters Road, Mount Road, Chennai – 600 002 is in the name of late Mirza Mohammed Ali Namazie. While being so, the 9th respondent is Muthawalli managing the said properties and applied for planning permission to put up construction. However, the petitioner herein is claiming to have right over the property and raised objections before the second respondent.

4. The learned counsel for the respondents submitted that so far no objection is received from the petitioner and no application is pending from the 9th respondent seeking planning permission for the subject property.

5. If at all any application submitted by the 9th respondent seeking planning permission for the subject property and if there is any objection raised by the petitioner, the second respondent is directed to issue notice



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to the petitioner as well as 9th respondent and conduct an enquiry and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law.

6. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

08.08.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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