



WEB COPY



W.P. No.22565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.22565 of 2024
and
W.M.P. No.24581 of 2021

A. Sheik Ibrahim

.... Petitioner

Versus

1. Hazarat Noor Mohammed Shah Auliya Dargah,
Rep. by its Trustee,
Panrutti Taluk,
Cuddalore District.

2. The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

3. The Commissioner,
Panrutti Municipality,
Panrutti,
Cuddalore District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, forbearing the 1st respondent from putting up any construction in Survey No.52 in Panrutti Taluk, Cuddalore District, belonging the Hazarat Noor Mohammed Shah Aluliya Dargah wakf, without obtaining planning permission from the 3rd respondent and without following the direction of the 2nd respondent in its order dated 23.01.2024 in R.C. No.16379/92/Aa10/CUDD.



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For Petitioner
For Respondents

: Mr.N.A. Nassir Hussain
: Mr.M.M.I. Kaleel
and Mr.Kanagaraj for R1
Mr.T. Sai Krishnan for R2
Mr.L.S.M. Hasan Fizal for R3

ORDER

The petitioner has come up with this writ petition seeking Writ of Mandamus, to forbear the 1st respondent from putting up any construction in Survey No.52 in Panrutti Taluk, Cuddalore District, belonging the Hazarat Noor Mohammed Shah Aluliya Dargah wakf, without obtaining planning permission from the 3rd respondent and without following the direction of the 2nd respondent in its order dated 23.01.2024 in R.C. No.16379/92/Aa10/CUDD.

2. It is the case of the petitioner that the 1st respondent without obtaining planning permission from the competent authorities is proceeding with the construction activities, which is meant for community hall using public money and donations. Therefore, the petitioner made representations to the respondents 2 and 3 with regard to the unauthorised construction. Aggrieved over the said unauthorised construction, this writ petition has been filed with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the unauthorised construction carried on by the 1st respondent is against the provisions of Building Rules and if such a community hall is constructed, it would be



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against the interest and object of the wakf. Further, the 1st respondent has not obtained any approval for the said construction. Also he submitted that considering the aforesaid violation, this Court vide order dated 07.08.2024 granted an interim injunction restraining the 1st respondent from proceeding with the construction in the subject place, pending disposal of this writ petition. Hence, now he prays for issuance of necessary directions to stop the said construction further.

4. Learned counsel for the 1st respondent submitted that the construction work carried on by the 1st respondent in the subject place is meant for religious activities and the said structure is temporary in nature. He vehemently argued that only after getting confirmation from the 2nd respondent, vide their letter dated 23.06.2023, such construction work is commenced. Such being the position, he prays for dismissal of this writ petition and for issuance of further directions to enable them to carry on the construction work.

5. Heard the submissions placed by the learned counsel on either side and perused the photographs as well as other materials placed on record before this Court.

6. On a perusal of photographs affixed with this petition, it reveals that the construction work carried on by the 1st respondent is not a



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temporary one and is a pucca construction. Therefore, necessary approval for building such a construction has to be obtained from the competent authorities viz., Local Planning Authority. Hence, the 1st respondent has to approach the competent authority along with requisite documents for getting approval in respect of the construction work. In view of the above, the interim injunction granted by this Court earlier on 07.08.2024 is made absolute and it is made clear that only after obtaining proper planning permission for construction of the building in the subject place, the 1st respondent shall step ahead.

7. Accordingly, the writ petition is allowed with the above terms. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2024

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
1. The Trustee,
Hazarat Noor Mohammed Shah Auliya Dargah,
Panrutti Taluk,
Cuddalore District.



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2. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
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Chennai – 1.

3. The Commissioner,
Panrutti Municipality,
Panrutti,
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M.DHANDAPANI, J.

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