



W.P.No.27591 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.27591 of 2021

K.Gopinath

.. Petitioner

Vs

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Superintendent of Police,
District Police Headquarters,
Tiruppur.
- 3.The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.
- 4.The Tahsildar,
Avinashi Taluk,
Tiruppur District.
- 5.The Deputy Superintendent of Police,
Department of National Highways,
Avinashi Taluk,
Tiruppur District.
- 6.The Inspector of Police,

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Avinashi Police Station,
Tiruppur District.

7.The Municipal Officer,
Municipal Office,
Avinashi Taluk,
Tiruppur District.

8.Maljir Noorul Yakin Committee Member, M.Ismail,
Mattavalli Sunnat Waljiamath School,
6/25, Mangalam Road,
Avinashi.

.. Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 7 to take necessary action to remove the unauthorised construction permanently which was constructed by the 8th respondent by considering the petitioner's representation dated 31.10.2021.

For the Petitioner : Mr.Deepan Uday

For the Respondents : Mr.K.Karthik Jagannath
Government Advocate
for respondents 1 to 7

: Mr.Nalliyappan
for Mr.K.Sudhakar
for respondent No.8

: Mr.C.Shankar
for the proposed respondent
[WMP No.4391 of 2022]

ORDER



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(Order of the court was made by the Hon'ble Chief Justice)

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Heard Mr.Deepan Uday, learned counsel for the petitioner; Mr.K.Karthik Jagannath, learned Government Advocate for respondents 1 to 7; Mr.Nalliyappan, learned counsel appearing for Mr.K.Sudhakar, learned counsel for the eighth respondent; and, Mr.C.Shankar, learned counsel for the proposed respondent.

2. The petitioner alleges unauthorised construction of a mosque by the eighth respondent.

3. It is not disputed by the petitioner that the eighth respondent is carrying on the construction on the property allotted to the eighth respondent.

4. The only contention of learned counsel for the petitioner is that the said construction is without any permission and the same is unauthorised.



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5. A status report is filed by the seventh respondent. It is stated that, on 18.3.2020, the eighth respondent sent an application with a proposed building plan and other documents for approval of the proposed construction and expansion of mosque. An inspection was carried out and it was found that an extent of 41 x 27 feet old prayer building existed. The new building is constructed by the mosque committee on the northern side of the said old building at a distance of 10 feet besides Mangalam Road. RCC Pillars were constructed on the eastern side north-west admeasuring 87.3 feet; on western side north-west admeasuring 85.6 feet length; on northern side east-west admeasuring 20.3 feet breath; and on the southern side east-west admeasuring 45 feet. An underground floor is also constructed.

6. It is further stated in the status report that a complaint was received from the petitioner. A notice is issued to the eighth respondent on 27.12.2021 to obtain necessary permission and approval, failing which it was stated that necessary action will be taken. The first respondent, on 12.5.2021, directed the seventh



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respondent to decide on the permission to construct the mosque.

An enquiry was conducted and it was observed that there was no encroachment. However, directions were issued to the effect that the construction cannot continue without proper permission.

7. The eighth respondent has to comply with the Rules and Regulations governing the construction. The eighth respondent has every right to construct on his property, but it should be in accordance with the Rules and Regulations. The eighth respondent cannot violate the Rules and Regulations. The eighth respondent shall abide by the Rules and Regulations while carrying out the construction. The eighth respondent has to make necessary changes so as to comply with the Rules and Regulations, failing which respondents 1 and 7 are entitled to take action in accordance with law.

The writ petition is disposed of accordingly. There shall be no order as to costs. In view of the disposal of the writ petition, W.M.P.No.4391 of 2022 filed to implead the proposed respondent



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as respondent No.9 in the writ petition is closed.

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(S.V.G., CJ.)

(D.B.C., J.)

12.03.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi

To

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