



W.P. No. 39701 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P. No. 39701 of 2024

Adam Sait and Abdullah Sait's Maternity
Hospital Charity Waqf
represented by its Muthawalli,
Jaffer Mohamed Sait,
Southwick, Coonoor Road,
Ootacamund – 643 001.

..Petitioner

Vs.

1. The District Collector – Nilgiris,
Udhagamandalam – 643 001.
2. The Town and Country Planning Officer,
Coonoor Municipality,
Coonoor – 643 101.



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3. The Commissioner,
Coonoor Municipality, Coonoor,
Nilgiris - 643 101.

4. The Tamil Nadu Waqf Board,
represented by its
Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

5. Mr. Ganeshan ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 3 to demolish the illegal and unauthorized constructions raised by respondent 5 herein in petitioner's Trust property in R.S. No. 1017, New No.B 46-5/1, Ward – B, Block 46, Town Survey No. 5/1, of Coonoor Town and Municipality measuring an extent of 18.29 – 6/16 acres as per proceedings of the 3rd respondent dated 13.11.2024.

For Petitioner :: Ms.R. Sripriya

For Respondents :: Mr.T.K. Saravanan,
Govt. Advocate for
R1 & R2

Mr.Habib Rehman for R3



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Mr.Haja Mohideen Gisthi
for R4

ORDER

(Made by S.M. SUBRAMANIAM,J.)

This writ petition is filed for issue of a Writ of Mandamus directing respondents 1 to 3 to demolish the illegal and unauthorized constructions raised by respondent 5 herein in petitioner's Trust property in R.S. No. 1017, New No.B 46-5/1, Ward – B, Block 46, Town Survey No. 5/1, of Coonoor Town and Municipality measuring an extent of 18.29 – 6/16 acres as per proceedings of the 3rd respondent dated 13.11.2024.

2. It is not in dispute that the 3rd respondent/ Coonoor Municipality had issued a notice on 13.11.2024 for removal of unauthorised constructions on municipal road. The grievance of the petitioner is that no further action has been initiated by the Municipality pursuant to the aforesaid notice.



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3. Learned counsel appearing on behalf of the 3rd respondent would submit that the authorities are ready to remove the encroachments on Municipal Roads and Municipal Lands. However, illegal constructions have been put up on the land belonging to the Wakf Board and in respect of the same, action has to be initiated only under the Wakf Act.

4. In the light of the above submission, we are of the considered view that municipal roads and properties are to be protected by the 3rd respondent. Since notice has already been issued by the 3rd respondent to the encroacher on 13.11.2024, respondents 1 to 3 are directed to initiate further action by following due process of law as contemplated under the Acts and Rules.



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No costs.

nv

(S.M.S.J.) (V.L.N.J.)
27.12.2024

To

1. The District Collector – Nilgiris,
Udhagamandalam – 643 001.
2. The Town and Country Planning Officer,
Coonoor Municipality,
Coonoor – 643 101.
3. The Commissioner,
Coonoor Municipality, Coonoor,
Nilgiris - 643 101.
4. The Tamil Nadu Waqf Board,
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Chief Executive Officer,
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