



W.P(MD)No.24251 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Hasrathnabi Shallalahi Alaihi Vasallam Trust,
Represented by its Female Line Trustee,
Abdul Khadar.

... Petitioner

VS.

- 1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jafar Sirang Road,
Vallal Seethakathi Nagar,
Chennai.
- 2.The District Collector,
District Collector Office,
Thiruchirappalli District.
- 3.The Commissioner,
Thiruchy Corporation Office,
Kandonment,
Thiruchirappalli District.
- 4.The Superintendent of Wakf,
Trichy Range,
12, Keelothar Street,
Trichy.
- 5.Kalliammal

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 4 to remove the unauthorized and illegal construction made by the fifth respondent at Town Survey No.1486, Ward No.12, Srirangam Division, Trichirappalli by considering the representation of the petitioner, dated 11.04.2018.

For Petitioner	: Mr.M.Karunanithi
For Respondent Nos.1 & 4	: No appearance
For Respondent No.2	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent No.3	: Mr.R.Baskaran Standing Counsel for M/s.R.B.Law Associates
For Respondent No.5	: No appearance

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in this Writ Petition is to direct the respondents 1 and 4 to remove the unauthorized and illegal construction made by the fifth respondent at Town Survey No.1486, Ward No.12, Srirangam Division, Trichirappalli by considering the representation of the petitioner, dated 11.04.2018.

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2. According to the petitioner, she is the trustee of Hasrathnabi Shallalahi Aliahi Vasalam Trust and owns a property and building at Survey No.1486, Ward 12, Srirangam Division, Trichirappalli. The fifth respondent, who is a tenant, occupied the building bearing Door No.100/27, New No. 101/27 at Town Survey No.1486, Ward 12, Srirangam Division, Trichirappalli and constructed a three stair building without obtaining any permission neither from the petitioner's Trust nor from the first respondent. Further, the fifth respondent has also violated all the provision of the Town and Country Planning Act and constructed the building without obtaining licence from the third respondent. Hence, the petitioner submitted a representation dated 11.04.2018 to the authority concerned. However, the said representation has not been considered. Hence, the petitioner has filed the present Writ Petition.

3. The learned Standing Counsel appearing for the third respondent, on instructions, submits that if the construction made by the fifth respondent is found to be an unauthorized construction, the authority concerned will take necessary action for removal of the same in accordance with law.



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4.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, we direct the third respondent to consider the representation of the petitioner dated 11.04.2018, and pass appropriate orders on merits and in accordance with law, after providing due opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

5.To be noted, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O.(2D) No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. The Monitoring Committee shall monitor the inspection of the unauthorized constructions as per the said Government Order. The third respondent shall file an action taken report before the Monitoring Committee for removal of the unauthorized construction made by the fifth respondent.



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6.With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
18.03.2024

NCC : Yes / No
Index : Yes / No
ps

To

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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