



WEB COPY

W.P.No.15221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.15221 of 2024

R.Syed Mahbool

..

Petitioner

v.

1. The Commissioner
Coimbatore Corporation
Big Bazaar Street
Coimbatore 641 001
2. The Tamil Nadu Wakf Board
represented by its Chief Executive Officer
No.1, Jaffer Sarang Street
Chennai 600 001
3. The Superintendent
Tamil Nadu Wakf Board
Flower Market Pallivasal
Flower Market, Coimbatore
4. Sunnath Jamath Masjid
represented by its Muthavalli
Ondipudur, Coimbatore



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5. S.Rasool Ahmed

.. Respondents

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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to take necessary action against the respondents 4 and 5 in respect of unauthorised construction of new Pallivasal (Masjid) in Ondipudur, Coimbatore within the time limit fixed by this Hon'ble Court.

For Petitioner :: Mr.L.Mouli

For Respondents :: Mr.N.Umapathi
Standing Counsel for R1
Mr.Avinash Wadhwani for R2 & R3
Mr.N.A.Nissar Ahamed
Senior Counsel for
Mr.N.A.Nassir Hussain for R4 & R5

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the first respondent to take necessary action against the respondents 4 & 5 in respect of the unauthorised construction of new Pallivasal (Masjid) in Ondipudur, Coimbatore within the time limit fixed by this Court.



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2. The petitioner is an active participant in the activities of the fourth respondent's Pallivasal. He is a licensed building engineer. The petitioner states that in February, 2024, the respondents 4 & 5, without arriving at a consensus amongst the members of Pallivasal, demolished the old building and started constructing a new Masjid. Immediately the petitioner approached the fourth respondent-Sunnath Jamath Masjid and the fifth respondent/Muthavalli of the Masjid and enquired about the proposed new construction. The respondents 4 & 5 showed a plan, which did not contain the signature of any licensed building engineer and/or the signature of the competent authority. The petitioner states that he advised the respondents 4 & 5 to construct the new Masjid after obtaining necessary planning permission from the competent authorities. They have not listened to the words of the petitioner and continued the construction with the foundation work, which resulted in the filing of the present writ petition.

3. The learned Senior Counsel Mr.Nissar Ahamed appearing on behalf of the respondents 4 & 5 would submit that the old building was in existence and the respondents 4 & 5 with the permission of the Wakf Board



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have initiated action for renovation of the Masjid. They have preferred an appeal before the Government seeking exemption and therefore the present writ petition is to be rejected.

4. Similar arguments are advanced on behalf of the Tamil Nadu Wakf Board.

5. The learned Standing Counsel appearing for the Coimbatore Corporation would submit that the allegation of unauthorised construction is true. No planning permission was obtained for construction of the Pallivasal in the subject land. Therefore the allegations raised by the petitioner are correct and thus the Corporation is bound to initiate action in the event of putting up any unauthorised construction in the subject property.

6. The photographs enclosed by the petitioner along with the typedset of papers would reveal that the old structure was demolished and new construction works commenced under the guise of renovation. Even for



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renovation work, necessary permission from the Corporation is required. In any angle, the action of the respondents 4 & 5 putting up new construction without obtaining planning permission is illegal and in violation of the provisions of the Act.

7. The Coimbatore Corporation issued stop work notice on 05.11.2024. Thereafter, an application was filed before the Corporation. Even in such circumstances, the unauthorised constructions already in the site are to be removed and only after obtaining planning permission from the competent authority, constructions are to be made. Illegality in the matter of construction in urban areas at no circumstances be permitted, as such unauthorised constructions are causing greater inconvenience to the public in general.

8. The Act does not contemplate any such construction. Therefore, the first respondent is directed to remove the unauthorised constructions within a period of four weeks from the date of receipt of a copy of this order. It is left open to the respondents 4 & 5 to obtain necessary building



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plan permission afresh in accordance with law and proceed accordingly.

With this direction, the writ petition stands allowed. Consequently,

W.M.P.No.16563 of 2024 is closed. No costs.

Index : yes

(S.M.S.,J.) (K.R.S.,J.)

Neutral citation : yes

05.02.2025

ss

To

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