



WEB COPY

WP No. 15214 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P. No. 15214 of 2025

Abdul Razack
S/o. A. Mohideen Late, No. 3/4 Jaya
Vinagar Koil Street, Karambakkam,
Porur, Chennai 600 116.

Petitioner(s)

Vs

1. The Zonal Officer
Greater Of Chennai Corporation,
Zone XI Valasaravakkam
Chennai 600 016.
- 2.The Executive Engineer
Greater Chennai Corporation, Ward
No. 150 Zone X1, Valasaravakkam,
Chennai
- 3.The Assistant Engineer
Greater Chennai Corporation Ward No.
150 Zone XI, No. 3/1 Bramanar
Street, Karambakkam Chennai



4.V.M.S. Abdul Khader
Secretary Karambakkam Porur Big
Mosque Masjidhul Ahadh No. 3
Mosue Street, Jayanagar,
Karambakam, Porur Chennai 600016.

Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent 1 to 3 to take immediate and necessary action against the petitioners representation dated 09.04.2025 and remove or cause to remove the unauthorized construction made on the burial ground situated at Survey No. 129 Karambakkam village Maduravoyal Taluk Chennai Associated to the Karambakkam Porur Big Mosque (aka) Masjidhul Ahadh.

For Petitioner(s): Mr. H.Imthiaz Ahamed

For Respondent(s): Mr. E.C. Ramesh
Standing Counsel For R1 to R3
M/s.R.Thirumoorthy For R4

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The present Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondent 1 to 3 to take immediate and necessary action against the petitioners representation dated 09.04.2025 and remove or cause to remove the unauthorized construction made on the burial ground situated at Survey No. 129 Karambakkam Village Maduravoyal Taluk Chennai Associated to the Karambakkam Porur Big Mosque.



WEB COPY

2. The case of the petitioner is that the petitioner is the resident of Porur Karambakkam and is associated with the Karambakkam Porur Big Mosque (also known as “Masjidhul Ahadh”). The petitioner's father was a founder member of the said mosque and was part of its managing committee till his demise in the year 2014 and was also its *Muthawalli* and was actively involved in its affairs. The said Mosque is a body registered under the Societies Registration Act, bearing Registration No.169/1982 and presently has more than 1000 persons as its active members.

3. The further case of the petitioner is that in the year 1983, the Government of Tamil Nadu allotted a piece of land in Survey No.129, falling in Karambakkam, Ward No.50, for use as a burial ground for Muslims. Since then, the said land has been in continuous use and occupation for burial purposes by the local Muslim community. The documents pertaining to the mosque and the burial ground are with the 4th respondent herein, who is none other than the Secretary of the Mosque.

4. While so, the 4th respondent, along with few other members of the Mosque, has started to construct concrete structures on the burial ground, which is *per se* illegal and arbitrary. The petitioner has issued a legal notice dated



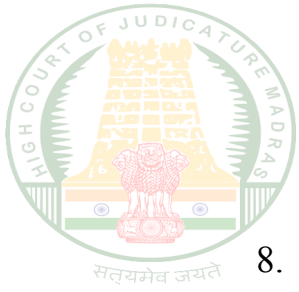
21.09.2024, calling upon the 4th respondent to stop the same. However, the 4th respondent again started construction work on the burial ground.

WEB COPY

5. In these circumstances, the petitioner had submitted a representation to respondent Nos.1, 2 and 3 on 09.04.2025. After receipt of the said representation, the 3rd respondent visited the site, and on inquiry, it is found that there was an encroachment on the burial ground and that the 4th respondent had illegally constructed the same. The 3rd respondent accordingly, instructed the 4th respondent to stop the construction. However, despite the instruction, the 4th respondent did not cease the construction activities and continued to put up structures. But, the official respondents did not take any action in this regard. Hence, the petitioner is constrained to file the present Writ Petition.

6. The learned Standing Counsel appearing for respondent Nos.1 to 3 submits that stop work notice has been issued by the Corporation and the construction work is currently stopped.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



WEB COPY

8. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without going into the merits of the representation, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 09.04.2025, after affording an opportunity of personal hearing to the petitioner and the 4th respondent and thereafter take necessary action in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till appropriate action is taken by the official respondents, the 4th shall not proceed with the construction.

9. This Writ Petition stands disposed of with the above directions. There shall be no order as to costs.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)

06-08-2025

ASI

To

1.The Zonal Officer
Greater Of Chennai Corporation,
Zone XI Valasaravakkam
Chennai 600 016.

2.The Executive Engineer
Greater Chennai Corporation, Ward
No. 150 Zone X1, Valasaravakkam,
Chennai



WP No. 15214 of 2025



3. The Assistant Engineer

Greater Chennai Corporation Ward No.

150 Zone XI, No. 3/1 Bramanar

Street, Karambakkam Chennai

4. V.M.S. Abdul Khader

Secretary Karambakkam Porur Big

Mosque Masjidhul Ahadh No. 3

Mosue Street, Jayanagar,

Karambakam, Porur Chennai 600016.



WEB COPY

WP No. 15214 of 2025



J.NISHA BANU J.
AND
M.JOTHIRAMAN J.

ASI

W.P. No. 15214 of 2025

06-08-2025