



W.P.No.37233 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.37233 of 2025

North Coimbatore Ahlay Sunnath Jama-ath
Masjid & Kabrasthan,
Represented by its President
Mr.Abdul Azeez,
S/o.Allah Pitchai,
No.238, Mettupalayam Road,
Coimbatore – 641 043.

.. Petitioner

VS

1. The District Collector,
Coimbatore District Collectorate Building,
Coimbatore – 641 018.
2. The Commissioner,
Coimbatore City Municipal Corporation,
City Municipal Corporation Buildings,
Coimbatore – 641 001.
3. The Joint Commissioner,
Coimbatore City Municipal Corporation,
City Municipal Corporation Buildings,
Coimbatore – 641 001.
4. The Commissioner of Police,
Coimbatore City,
Coimbatore.



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5. The Deputy Commissioner of Police,
Coimbatore City,
Coimbatore.
6. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafar Sirang Street,
Vallal Seethakadi Nagar,
Chennai – 600 001.
7. Mr.Hajji M.I.Mohammed Ali
S/o. Mohammed Ibrahim,
No.9/27, Kamarajar Street,
1st Cross KK Nagar, Coimbatore District. .. Respondents

[R7 *suo motu* impleaded as per order of this Court
dated 22.10.2025 in W.P.No.37233 of 2025]

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to forthwith implement the orders of the 2nd respondent vide Na.Ka.No.2141/2024 M.H.1(May) dated 29.11.2024 and Na.Ka.No.2141/2024/H.1(May) dated 02.12.2024 by restoring the administration and maintenance of the burial ground comprised in Survey Nos.52/1A and 69, Sanganur Village, Coimbatore District, to the petitioner Jama-ath for use as a Muslim Burial Ground within a time framed fixed by this Court.

For Petitioner : Mr.I.Abdul Basith
For Respondents : Mrs.C.Meera Arumugham
Additional Government Pleader for R1
Mr.N.Velmurugan
Standing counsel for R2 and R3
Mr.R.Kishore Kumar
Government Advocate for R4 and R5
Mr.Fakir Mohideen for R6
Mr.I.Abrar Mohd Abdullah for R7



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ORDER

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I have heard Mr.I.Abdul Basith, for the petitioner, Mrs.C.Meera Arumugham, Additional Government Pleader for the first respondent, Mr.N.Velmurugan, Standing Counsel for the respondents 2 and 3, Mr.R.Kishore Kumar, Government Advocate for respondents 4 and 5, Mr.Fakir Mohideen, for 6th respondent and Mr.I.Abrar Mohd. Abdullah, for 7th respondent.

2. Mr.Hajji M.I.Mohammed Ali, S/o. Mohammed Ibrahim, No.9/27, Kamarajar Street, 1st Cross KK Nagar, Coimbatore District, is *suo motu* impleaded as seventh respondent to the writ petition. Mr.I.Abrar Mohd. Abdullah, takes notice for the newly impleaded party.

3. The prayer in the writ petition is to direct the respondents 1 to 5 to implement the orders passed by the second respondent, *vide* Na.Ka.No.2141/2024 M.H.1(May), dated 29.11.2024 and Na.Ka.No.2141/2024 M.H.1(May), dated 02.12.2024 by restoring the administration and maintenance of the burial ground to the petitioner Jamaath.



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4. The case of the petitioner is that the Vadacovai Ahlay Sunnath Jamaath and Kabrasthan is a surveyed and notified Wakf. It is in possession of the property to an extent of 5.06 acres in T.S.Nos.158/A1 and 159/A1 of Sangapur Village, Coimbatore District. The area has been set up to be used as a Mosque and Kabrasthan (Graveyard). The Government had initially approved the proposal of the then Coimbatore Municipal Corporation, permitting the persons belonging to Hindu religion to utilize the unused portion of this burial ground as a Hindu burial ground. This gave rise to disputes between the two communities. Finally, the issue reached this Court. It was settled by way of a compromise entered in W.A.No.598 of 1985. In pursuance thereof, the Government issued G.O.(Ms).No.64, Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 22.06.2000, recording the compromise in W.A.No.598 of 1985. The said G.O is extracted as hereunder:

" 3. The settlement arrived at by the parties to Writ Appeal No.598/85, reads as follows :-

*(i) The lands in question S.F.No.158/A1, 159/A1
(total extent of 5.00 acres) of Sanganoor Village,*



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Coimbatore North Taluk of Coimbatore District are extremely valuable lands and as such it would be advisable to put the same for valuable uses. We therefore agree that if the Municipal Corporation provides alternate sites both for Hindus and Muslims to be used as burial ground these lands would be handed over to City Municipal Corporation to enable them to put the same for productive and more purposeful use.

(ii) In so far as the partition where mosque is in existence (1.75 acres approximately marked in green colour in the map) would be sub-divided and classified as Sunnath Jamath Prayer hall and would be handed over to Muslims viz., Ahle Sunnath Jamath (Respondent No.4) for upkeep and maintenance. It would also be the Jamath would undertake to ensure that the site so allotted to them would be used only for prayer/ religious purpose.

(iii) The Corporation would also provide a road at the southern most side of S.F.No.159/A1B abutting S.F.160A which would connect the Raju Nagar with the Mettupalayam Road. This is with a view to get open and free access to the residents of Raju Nagar.

(iv) The Corporation would take further action to put up a mofussil bus stand for Mettupalayam bus stand for Mettupalayam and Ooty bound buses in the portion as in S.No.158A/1 and 159A/1 (3.31 acres) as above.

(v) With regard to the request of Writ appellants for



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providing a Burial Ground for exclusive use of majority community it was found since that there already exists a burial ground in S.F.No.52/2A, 52/7, 52/8. This would be enlarged to the extent of 2.50 acres as indicated in the enclosed map in pink colour comprising 0.80 acres from S.F.No.52/2A of Goundampalayam Village belonging to the Corporation and 1.70 acres belonging to Government classified as vari poramboke and would be declared as Hindu mayanam and maintained by Municipal Corporation.

(vi) With regard to the request of Munslims for providing separate burial ground, a portion measuring an extent of 0.48.0 Hec. would be subdivided from S.F.No.69 and an extent of 0.33.0 Hec from S.F.No.52/1 (Total 0.81.0 Hec. or 2.00 Acres) belonging to the Municipal Corporation and would be declared as burial ground for exclusive use by Muslims and would be maintained by the Corporation as such.

(vii) With regard to providing access to the proposed burial ground the road connecting Mettupalayam Road and Compost Yard Road (known as Housing Board Road) would be extended beyond Prabhu Nagar road to the length of 50-60 feet upto the burial ground.

4. The Government directs that the settlement referred to above be affected and the Collector of Coimbatore District and the Commissioner, Corporation of Coimbatore are requested to take steps immediately to



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implement the terms of the above settlement and to send an action taken report to Government in due course."

5. When the G.O was issued, a land with a Mosque existing an extent of 1.75 acres was handed over to the Muslim community viz., the second respondent for religious purposes. A portion of the property to an extent of 2 acres under the control of the Municipal Corporation of Coimbatore, was declared as burial ground, exclusively to be used by Muslims.

6. For some reasons, the G.O was not implemented. The newly impleaded respondent, representing himself as a General Secretary of the Jamaath, sought for allotment of burial ground and had also started putting up constructions over the same. This, yet again became an issue, which was flagged off by the Commissioner of Police, Coimbatore.

7. Taking note of the fact that no elections had been conducted in the writ petitioner - Jamaath, the Tamil Nadu Wakf Board issued an order on 14.10.2024, directing the holding of elections. One Mr.Abdul Azeez, the deponent herein and 20 other persons were elected as the members of the writ petitioner-Jamaath. The period of office is 14.10.2024 to



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13.10.2027.

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8. As the issue of burial ground has not yet been settled, the deponent Mr.Abdul Azeez addressed several letters to the respondents and sought usage of the burial ground allotted to the Jamaath.

9. In the meantime, the seventh respondent filed a writ petition in W.P.No.12 of 2025, challenging the allotment that had been made in favour of the writ petitioner - Jamaath. That writ petition came to be dismissed as withdrawn on 26.06.2025. As the Jamaath was yet to get possession of the area earmarked for burial ground, it came forward with the present writ petition.

10. When the matter came for admission on 06.10.2025, Mrs.C.Meera Arumugham took notice for the first respondent, Mr.N.Velmurugan, for respondents 2 and 3, Mr.R.Kishore Kumar, for respondents 4 and 5 and Mr.Fakir Mohideen for 6th respondent. The parties were called upon to file their respective counter affidavits. I adjourned the matter to today.

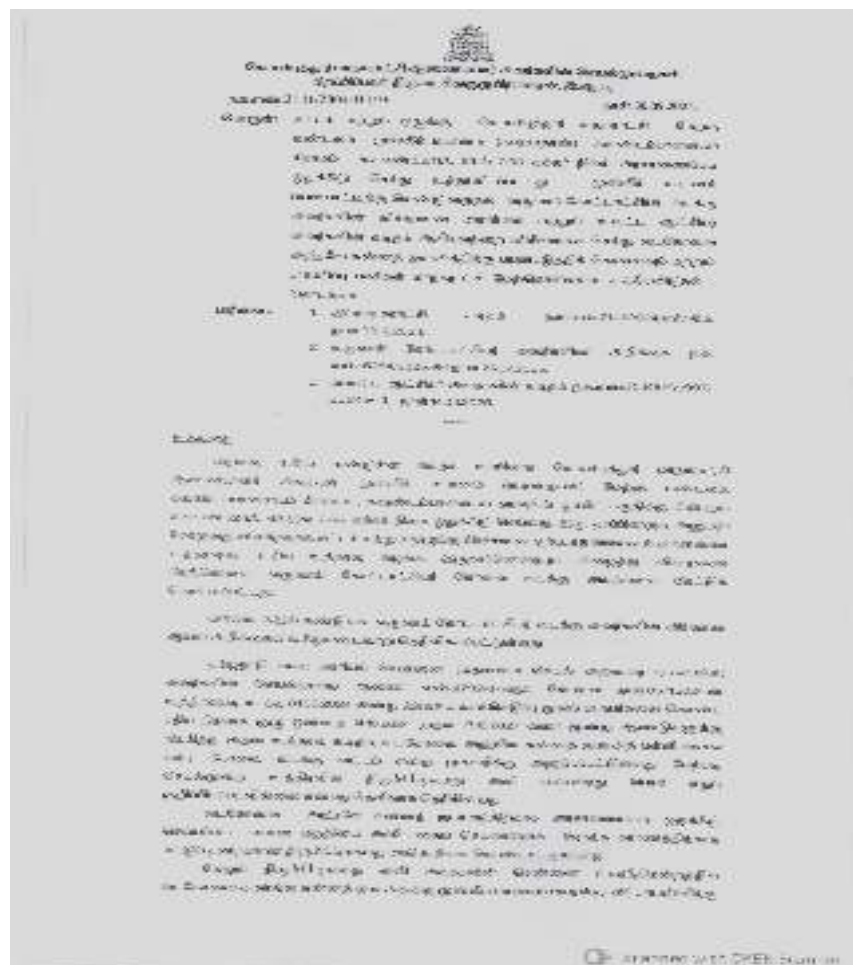
11. Today, when I took up the matter, Mr.I.Abdul Basith has produced the proceedings of the Commissioner, Coimbatore Municipal



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Corporation, dated 30.09.2025, whereunder, the possession has been handed over to the writ petitioner Jamaath. The said proceedings are scanned and extracted hereunder:




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12. At this stage, Mr.I.Abrar Mohd. Abdullah pleaded that the writ petitioner, taking advantage of the impugned order, would not permit the persons belonging to Islamic faith, who are not the members of the Jamaath, from being laid to rest in this area. Mr.I.Abdul Basith, on instructions, states that there is no such intention. Any person, who is a Muslim, will be buried, in case a request is made to that effect, on payment of charges, in the area earmarked in favour of the writ petitioner. This statement of Mr.I.Abdul Basith is received by this Court as an undertaking given by the writ petitioner. As this alleviates the fear of Mr.Hajji Mohamed Ali, nothing further remains to be adjudicated, other than recording the aforesaid proceedings. The writ petition is disposed of. There shall be no order as to costs.

22.10.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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V. LAKSHMINARAYANAN, J.

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