



W.P.No.50807 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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Ameerunnisa Begum Sahibas
Endowment(Waqf)
A Registered and Gazette-notified Waqf)
Rep. by its President, H.M.Muneeb,
No.165/76, Bharathi Salai,
Triplicane, Chennai-600 005

Petitioner

Vs

- 1.The Commissioner
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003
- 2.The Executive Engineer(Works)
Greater Chennai Corporation,
Zone 9, Teynampet,
Chennai-600 018
- 3.The Assistant Engineer/Junior Engineer
Greater Chennai Corporation,
Zone 9, Division 119,
Chennai-600 018



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4.Sahib Basha
S/o.Late.Khader Basha,
New No.31, Old No.22, Peters Road,
Royapettah, Chennai-600 014

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to demolish the unauthorised construction in No.22, Peters Road, Royapettah, Chennai-600 014 raised by 4th respondent as per representation dated 3.11.2025.

For Petitioner: Ms.R.Sripriya
(through Video Conferencing)

For Respondents: Mr.D.B.R.Prabhu
Standing Counsel
for respondent Nos.1 to 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. Through this writ petition, a mandamus is sought to evict respondent No.4.

3. Learned counsel for the petitioner would submit that, earlier when respondent No.4 was interfering with the burial work in



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the burial ground, a request was made to the police to provide police protection, so as to allow burial work in the burial ground without any obstruction or intrusion from respondent No.4.

When the police did not take any action, a petition (Crl.O.P.No.11865 of 2021) was filed seeking a direction to the police to provide police protection. In that petition, an order was passed directing the Deputy Commissioner of Police, Mylapore, to give appropriate instructions and provide police protection to the petitioner and its present employee Nizamuddin to carry on his burial work in the burial ground without any obstruction and intrusion from respondent No.4, if needed, coercive action to be taken in accordance with law, if there is any obstruction.

4. It is further submitted that separate proceedings for eviction of respondent No.4 has already been initiated by giving eviction notice, but respondent No.4 is illegally continuing in possession.

5. As far as eviction is concerned, the petitioner has other alternative remedy to institute proceedings before the appropriate



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authority created under law seeking order of eviction.

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6. As far as continuance of burial work is concerned, there is already a direction by the learned Single Judge of this Court in CrI.O.P.No.11865 of 2021, dated 31.01.2022 [*The Ameerunnisa Begum Sahibas Endowments, rep. by its President, 165/76, Barathi Salari, Triplicane, Chennai-5 v. The Deputy Commissioner of Police Mylapore, O/o. the Deputy Commissioner of Police, Mylapore, Chennai-4 and others*].

7. Therefore, on both counts, we are not inclined to entertain this petition and leave it open for the petitioner to work out its remedy in the manner known to law.

The writ petition is dismissed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
08.01.2026

Index : Yes/No
Neutral Citation : Yes/No
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