

ITEM NO.8

COURT NO.4

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4375/2024

(Arising out of impugned final judgment and order dated 22-11-2023 in WP No. 12224/2021 passed by the High Court Of Judicature At Madras)

HYDHA MUSLIM WELFARE MASJID-E HIDAYA AND MADARASA Petitioner(s)

VERSUS

N. DINAKARAN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.42388/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.42389/2024-EXEMPTION FROM FILING O.T. and IA No.43311/2024-EXEMPTION FROM FILING O.T. and IA No.43310/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 26-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. S. Nagamuthu, Sr. Adv.  
Mr. M.p. Parthiban, AOR  
Ms. Priyaranjani Nagamuthu,  
Shalini Mishra, Adv.  
Mr. R. Sudhakaran, Adv.  
T. Hari Hara Sudhan, Adv.  
Bilal Mansoor, Adv.  
Shreyas Kaushal, Adv.  
P.V.k. Deivendran, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. We have heard the learned senior counsel for the petitioner at a considerable length and perused the records.
2. In view of the fact that:
  - i. The petitioner is admittedly not the owner of the subject property;

ii. The subject land, vests in Chennai Metropolitan Development Authority (for short 'CMDA'), free from all encumbrances;

iii. The petitioner is an unauthorized occupant.

iv. The petitioner never applied to sanction building plans;

v. The construction was raised in a totally illegal manner;

vi. The illegal construction, remained unabated despite notices being served by the CMDA Authorities on 09<sup>th</sup> December, 2020,

we are satisfied that the directions issued by the High Court warrant no interference by this Court in exercise of powers under Article 136 of the Constitution of India.

3. The special leave petition is accordingly, dismissed. However, in the peculiar facts and circumstances of this case, the petitioner is granted time till, on or before 31<sup>st</sup> May, 2024, to remove the structures.

4. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(PREETHI T.C.)  
COURT MASTER (NSH)