



W.P.(MD).No.8729 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

**W.P.(MD).No.8729 of 2023
W.M.P(MD).No.7999 of 2023**

1.Bakshunnissa
2.Atheequr Rahman
3.U.Muhammad Niyamathullah

... Petitioners

Vs.

1.The Special District Revenue Officer (L.A),
Tamil Nadu Road Managmenet Project-II,
and Land Acquisition and Management (AC),
Trichy District.

2.Tamil Nadu Waqf Board,
Rep.by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to disburse the amount of compensation awarded to the petitioners vide Award Nos.2 and 3 of 2022 (Addl-III) in his proceedings in Na.Ka.A1/06/2022 dated 15.12.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Jasima Yasmin

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader
for R1
Mr.S.A.Ajmal Khan for R2

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the 1st respondent to disburse the amount of compensation granted to the petitioners in Award Nos.2 and 3 of 2022 (Addl-III) vide proceedings in Na.Ka.A1/06/2022 dated 15.12.2022.

2. The only impediment for disbursement of the award amount was that the first respondent wanted a No Objection Certificate from the second respondent, but the second respondent has issued a No Objection



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Certificate holding that “if the property is found to be a public waqf at a later period, the proceedings under Section 107 of the Waqf Act would be initiated”. I hold this condition imposed only out of abundant caution.

3. However, if it is found that the waqf is a public waqf, then necessary proceedings under Section 107 of the Waqf Act would be initiated against the petitioners herein. However, such a qualified No Objection Certificate cannot be issued, particularly, when disbursement of compensation is sought. There should be some clarity in the nature of the order.

4. A direction is given to the first respondent to ignore that particular caution put by the second respondent and proceed to disburse the compensation to the petitioners herein in the manner known to law, after holding due enquiry as a normally done. The entire exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order.



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5. With these directions, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No

Internet: Yes/No

ssb

To

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C.V. KARTHIKEYAN, J.

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