

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31019 of 2014

Jumma Masjid

represented by its Muthavalli,

K.M.Moideen Kunhi

... Petitioner

vs.

1.The Collector of Chennai,
Office of the Collectorate,
Chennai - 600 001.

2.The District Revenue Officer,
Office of the Collectorate of Chennai,
Chennai - 600 001.

3.The Tamil Nadu Wakf Board,
represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

4.S.Vasantha,
W/o.Sundara Mahalingam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representation dated 27.08.2014 wherein the petitioner has requested to cancel the following pattas (i) Patta in C.A.No.852/2007 dated 09.07.2007 for Survey Nos.2083/5; (ii) Patta in C.A.No.852/2007 dated 09.07.2007 for Survey Nos.2083/1; (iii) Patta in C.A.No.1647/08-09 dated 03.12.2008 for Survey Nos.2063/4; (iv) Patta in C.A.No.1647/09-09 dated 03.12.2008 for Survey Nos.2085/5; (v) Patta in C.A.No.1647/09-09 dated 03.12.2008 for Survey Nos.2063/1; (vi) Patta in C.A.No.1647/2007 dated 09.07.2007 for Survey Nos.2063/2; (vii) Patta in C.A.No.1647/2007 dated 09.07.2007 for Survey Nos.2063/3; (viii) Patta in C.A.No.1647/2007 dated 09.07.2007 for Survey Nos.2063/4 situated at Mylapore, Triplicane Taluk, issued in favour of the fourth respondent herein.

For Petitioner : Mr.T.Velumani
For Respondents: Mr.M.L.Mahendran,
Government Advocate [R1 & R2]

O R D E R

Heard Mr.T.Velumani, learned counsel for petitioner and Mr.M.L.Mahendran, learned Government Advocate and perused the materials placed on record.

2. Petitioner has filed this writ petition seeking a direction to the first respondent to consider the petitioner's representation dated 27.08.2014 wherein the petitioner has requested to cancel the following pattas in respect of property situated at Mylapore, Triplicane Taluk:

- (i) Patta in C.A.No.852/2007 dated 09.07.2007 for Survey Nos.2083/5;
- (ii) Patta in C.A.No.852/2007 dated 09.07.2007 for Survey Nos.2083/1;
- (iii) Patta in C.A.No.1647/08-09 dated 03.12.2008 for Survey Nos.2063/4;
- (iv) Patta in C.A.No.1647/09-09 dated 03.12.2008 for Survey Nos.2085/5;
- (v) Patta in C.A.No.1647/09-09 dated 03.12.2008 for Survey Nos.2063/1;
- (vi) Patta in C.A.No.1647/2007 dated 09.07.2007 for Survey Nos.2063/2;
- (vii) Patta in C.A.No.1647/2007 dated 09.07.2007 for Survey Nos.2063/3;
- (viii) Patta in C.A.No.1647/2007 dated 09.07.2007.

3. Though the respondents 3 and 4 have been served and their names have been printed in the cause list, none appears for them. The case of the petitioner is that Jumma Masjid Mosque/Wakf is a surveyed and notified Wakf as per Gazette Notification issued by the Government of Tamil Nadu. It is stated that the fourth respondent has executed several sale deeds which are irregular and some of the properties belongs to Jumma Masjid/Wakf. The petitioner has submitted a representation to the second respondent to cancel the patta granted in favour of several third parties. The petitioner is not aware of the names of those third parties and their whereabouts. The petitioner has secured a certificate from the Chief Executive Officer of the Tamil Nadu Wakf Board certifying the list of properties which are registered as Wakf properties. It is seen that the said representation has been sent to the District Collector which is said to be pending till date.

4. Since the second respondent is the competent authority to consider the request of the petitioner, there shall be a direction to the petitioner to give a fresh representation to the second respondent indicating the names of the persons in whose names the property stands as of now along with the certificate issued by the Chief Executive Officer of the Tamil Nadu Wakf Board. If any such application is filed along with a copy of this order, the second respondent shall, issue notice to the petitioner as well as to the

persons whose names find place in the patta as on date, hear the parties in person, conduct an enquiry and thereafter, consider the application on merits and pass orders in accordance with law.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Collector of Chennai,
Office of the Collectorate,
Chennai - 600 001.
- 2.The District Revenue Officer,
Office of the Collectorate of Chennai,
Chennai - 600 001.
3. The Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+ 1 cc to Mr.T. Velumani, Advocate SR.14575

+ 1 cc Government Pleader Sr.14757

CNR(CO)
EU 11.04.2015

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