

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18852 of 2015

P.R.Jaiprakash

... Petitioner

Versus

- 1 The Chief Executive Officer,
Tamil Nadu Wakf Board No.1
Jaffar Sirang Street Chennai-1 .
- 2 The Superintendent of Wakfs
Salem Zone No.4A Tippu Sultan Complex
Agraharam Salem
- 3 The Sub Registrar
Registration Office Kelamangalam
Denkanikotta Taluk Krishnagiri District. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 1st respondent to issue appropriate proceedings to the 2nd and 3rd respondents by declaring that the Survey No.187/ 1(R.S. Nos.187/1A. 187/1B and 187/2) is not wakf property so as to enable the petitioner and other owners of the said land to do further/ future registration before the 3rd respondent within a stipulated period.

For Petitioner : Mr.M.Loganathan

For Respondents : Mr.V.Lakshminarayanan
(for R1 and R2)

Standing counsel for wakf Board
Mr.V.Subbiah (for R3)
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be the partner of the concern viz., Jay Pee Developers and would state that they purchased a private property belonging to one Ashrafunnissa and nine others, through a registered sale deed dated 04.08.2010 and the property concerned is situated in S.No.187/1 (R.S.No.187/1A, 187/1B,

187/2, 188/1(part), Mathigiri Village, Hosur Taluk, Krishnagiri District.

3. The petitioner would further state that after purchasing the property, it has been converted as 37 residential plots for which they have obtained all necessary clearance from the Government as well as from the local body and all the plots were sold out during the year 2011 itself. It is also stated by the petitioner that during the year 2011, Mutawalli of Jamia Majid, Hosur, has submitted a representation stating that the properties in the above said survey Number, purchased by the petitioner, belong to a mosque.

4. The petitioner in this regard repeatedly communicated with the concerned authorities and the 1st respondent has provided them with an information under the Right to Information Act, dated 18.03.2014 stating that Survey No.187/1 was not at all a property belonging to the Mosque and in this regard, the petitioner has also made a representation to the 1st respondent, to clarify the mistake committed by the 2nd respondent and since, they have not been favoured with any response, came forward to file this writ petition.

5. The learned counsel appearing for the petitioner would submit that it would be suffice to direct the 1st respondent to consider and dispose of the petitioner's representation dated 25.05.2015 in accordance with law within a stipulated time.

6. The Court heard the submissions of Mr.V.Lakshminarayanan, learned standing counsel, who accepts notice on behalf of respondents 1 and 2 and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the 3rd respondent.

7. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 1st respondent to consider and dispose of the petitioner's representation dated 25.05.2015, in accordance with law, after putting on notice the persons concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the persons concerned.

8. The writ petition is disposed of, accordingly. No Costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ars

1. The Chief Executive Officer,
Tamil Nadu Wakf Board No.1
Jaffar Sirang Street Chennai-1 .
2. The Superintendent of Wakfs
Salem Zone No.4A Tippu Sultan Complex
Agraharam Salem
3. The Sub Registrar
Registration Office Kelamangalam
Denkanikotta Taluk Krishnagiri District.

+lcc to Mr.M.Loganathan, Advocate sr.no. 36707
+lcc to Government Pleader sr.no.36665.

W.P.No.18852 of 2015

gj[col]
srg 03.08.2015



WEB COPY