

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2015

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24028 of 2015

- 1 Mr.Syed Ibrahim
S/o.Syed Yacoob Sahib
55 Taikkaipatti Street
Srivilliputhur, Virudhunagar
- Petitioner
- Vs
- 1 The Tamil Nadu Wakf Board
Rep by Chief Executive Officer
No.1 Jaffer Syrang St
Vallal Seethakathi Nagar
Chennai- 1
- 2 Syed Jaffer Ali
1/101 Pattamputhur Village
Virudhunagar Tk & Dt
- 3 M.Saravanan
No.5/29/19 Pazhayampatti E.B.Colony
Aruppukottai Tk, Virudhunagar Dt
- 4 V.Muthaiah Pandian
5/32/11 Karuppaiah St, Aruppukottai
Virudhunagar Dt
- 5 The Sub Registrar
Srivilliputhur
- 6 The Sub Registrar
Virudhunagar, Virudhunagar District
- 7 The District Registrar
58/1 Kutchery Road, Virudhunagar
- 8 Arumugham
67/2 Chinna Athikulam, Srivilliputhur
Virudhunagar

- 9 Shanmugham
25 Amabalam Karuthaiah St,
Aruppukottai Tk & Town
Virudhunagar Dt
- 10 Syed Mohideen
6/84 Taikkaipatti St Pottal Road
Srivilliputhur
- 11 Syed Ismail
55/48 Taikkaipatti Street
Srivilliputhur

Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to initiate action under Sec.52 52A and 54 of the Wakf Act 1995 to retrieve the wakf properties as sought by the petitioner vide representation dt 18.03.2015

For petitioner : Mr. N.A. Nissar Ahmed
For respondent : Mr. V. Lakshmi Narayanan for R1
Mr. S.V. Duraisolaimalai, AGP for
RR5 to 7

ORDER

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

2. The petitioner would state that the property comprised in Survey No.828, T.S.No.828/1, 3 Municipal Ward 8 and Town Survey Ward 3, Taikkaipatti Street, Srivilliputhur measuring acre 1.50 cents belongs to Syed Amanusha Fakir Dargah bearing G.S.No.220/VRD wakf and it is also registered and notified under the supervisory control of the Wakf Board. The petitioner would state that he is a haqdar and as such he is a person interested in the welfare and good administration of the wakf. It is stated by the petitioner that Syed Mohammed Shah who was Mutawalli died issueless and the second respondent falsely stating to be his son entered into an agreement of sale with third parties and similarly one Syed Mohideen and Syed Ismail had also executed sale deeds in respect of the properties belonging to the Wakf Board in favour of the third parties. The petitioner in this regard submitted a representation dated 17-03-2015 as well as 18-03-2015 to the concerned authorities not to register any properties pertaining to the said Wakf and the same is pending consideration. Hence the petitioner has come forward with this writ petition.

3. Heard the submissions of Mr. Nissar Ahmed, learned counsel for the petitioner, Mr. V. Lakshmi Narayanan, learned counsel for the first respondent and Mr. S.V. Durai Solaimalai, learned Additional Government Pleader for the respondent Nos.5 to 7.

4. Though the petitioner prayed for a larger relief, this Court without going into the merits of the case projected in this writ petition directs the first respondent to consider and dispose of the representation dated 18-03-2015, after putting up notice to the respondent Nos.*2, 3 and 4, 8 to 11 and pass orders thereon, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the above said persons.

5. The writ petition is disposed of accordingly. No costs. The connected M.P.No.1 of 2015 is also closed.

Sd/-
Assistant Registrar
Dated : 03.09.2015

***Corrected as per order of this
court dated 27.10.2015
Sd/- Assistant Registrar (CS-II)
Dated : 02.11.2015**

True Copy

Sub-Assistant Registrar

glp

To

1 The Sub Registrar
Srivilliputhur
NO.23, Thiruvengada Awaikkal Street,
OPP.Benington Library, Srivilliputhur

To be substituted
to the order already
despatched on
25.09.2015

2 The Sub Registrar
Virudhunagar, Virudhunagar District

3 The District Registrar
58/1 Kutchery Road, Virudhunagar

4. The Chief Executive Officer,
The TamilNadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1

+1 cc to Mr.NA.Nissar Ahmed, Advocate sr.58264

+1 cc to Government Pleader High Court Madras
sr.40952/15

W.P.No.24028 of 2015

aa04/09/2015

PSI 02.11.2015



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