



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:25.08.2015

CORAM:

THE HON'BLE Mr.JUSTICE S.NAGAMUTHU

and

THE HON'BLE Mr.JUSTICE V.S.RAVI

Writ Petition (MD)No.15320 of 2015

and

M.P.(MD)No.1 of 2015

Hanafi Jamath Kuthba Prayer Mosque,
rep.through its President P.Mohideen Kattubava,
Pottalputhooor,
Tirunelveli District-627 423.

... Petitioner

vs.

1.The District Collector,
Collectorate Office,
Tirunelveli.

2.The President,
Pottalputhooor Panchayat,
Kadayam Panchayat Union,
Tirunelveli.

3.The Block Development Officer,
Panchayat Union Office,
Kadayam,
Tirunelveli District.

... Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1st respondent to consider the representation,dated 03.08.2015, and take appropriate action to stop the encroachment by the 2nd respondent in Survey No.638/28, Pottalputhooor, Ambasamudram Taluk, Tirunelveli District, to an extent of 26 cents (Wakf Property) and pass orders within a time frame stipulated by this court.

For Petitioner : Mr.D.Nallathambi

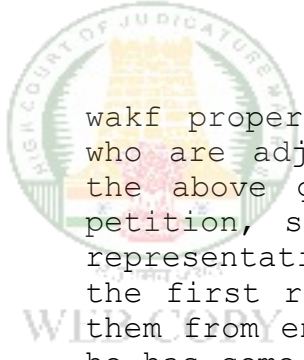
For Respondent-1 : Mr.A.K.Baskarapandian,
Spl.Govt.Pleader.

For Respondents 2&3 : Mr.S.Satheesh Kumar

O R D E R

(Order of the Court was made by **S.NAGAMUTHU, J**)

<https://hcservices.ecourts.gov.in/hcservices/>
The petitioner claims to be a Wakf, governed by the Wakf Act. The grievance of the petitioner is that the property comprised in Survey No.638/28, Pottalputhooor, Ambasamudram Taluk, Tirunelveli District, is a



wakf property, belonging to the petitioner. Now, respondents 2 and 3, who are adjacent owners, are trespassing into the said property. With the above grievance, the petitioner has come-up with the present writ petition, seeking for a direction to the 1st respondent to consider his representation, dated 03.08.2015, wherein the petitioner has requested the first respondent to take action against respondents 2 and 3 and stop them from encroaching upon the said property. Since no action was taken, he has come-up with this writ petition.

2.We have heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the 1st respondent and the learned counsel appearing for respondents 2 and 3. We have also perused the records.

3.The petitioner claims that the property in question belongs to wakf. If there is any attempt to interfere with his possession, it is for the petitioner to work out its remedy before the appropriate forum. When the petitioner has got alternative remedy either under the Wakf Act or before Civil Court, as the case may be, this Court cannot entertain the writ petition. The disputed question of fact as to whether the property belongs to the petitioner wakf or the respondents have any right over the property cannot be decided by this Court. In such view of the matter, the writ petition deserves only dismissal. Accordingly, it is dismissed. No order as to costs. Connected M.P.(MD)No.1 of 2015 is also dismissed.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

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To:

1.The District Collector, Collectorate Office, Tirunelveli.

+one cc to M/s.D.Nallathambi, Advocate in SR.No.49080
+one cc to The Special Government Pleader, SR.No. 49178

Order in
W.P. (MD)No.15320 of 2015
and
M.P. (MD)No.1/2015
Dated:25.08.2015

CSL/AN-MP/SAR (AD) /04.09.2015
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