

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.14940 of 2016

I.S. Riyaz

Petitioner

vs.

- 1 The District Collector
Dharmapuri District
Dharmapuri
- 2 The Superintendent of Police
Dharmapuri District
Dharmapuri
- 3 The Revenue Divisional Officer
Dharmapuri District
Dharmapuri
- 4 The Tahsildar
Dharmapuri Taluk
Dharmapuri
- 5 The Inspector of Police
Dharmapuri Town Police Station
Dharmapuri

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1, 3 and 4 to take necessary action for removal of encroachments comprised in Survey No.376/1 situate at Dekishpet, Dharmapuri Town, based on the representation of the petitioner dated 15.04.2014 to the first respondent and 15.05.2012 by the Tamil Nadu Wakf Board.

For petitioner Mr. C. Prabakaran

For respondents Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner is stated to be the Muthawalli of Dekishpet Wakf, Dharmapuri. According to him, the Tamil Nadu Wakf Board made a representation dated 15 May 2012 to the respondents, pointing out the encroachment made by the encroachers in the public wakf property, which is meant for burial of dead bodies of Muslim folks. Noticing no action from the authorities and also pursuant to the communication dated 10 January 2014 addressed by the Tamil Nadu Wakf Board to the petitioner, the petitioner addressed a representation dated 15 April 2014 to the first respondent, seeking removal of encroachment from the public wakf property and consequent retrieval of the encroached land. Inasmuch as the first respondent has not paid any heed to the said representation, the instant writ petition for a writ of mandamus to the first respondent to cause survey and inspection of the area in question and after proper verification of the nature of the land and also the alleged encroachment made by the third parties, to take necessary action on merits and in accordance with law.

3 The learned Special Government Pleader appearing for the respondents submits that the representation dated 15 May 2012 made by the Tamil Nadu Wakf Board and the petitioner's representation dated 15 April 2014 will be examined on their own merits and in accordance with law and appropriate action will be taken within a period of eight weeks, after notice to the alleged encroachers.

4 In view of the above submission of the learned Special Government Pleader, it is ordered accordingly.

The writ petition stands disposed of with the above observation. Costs made easy.
cad

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

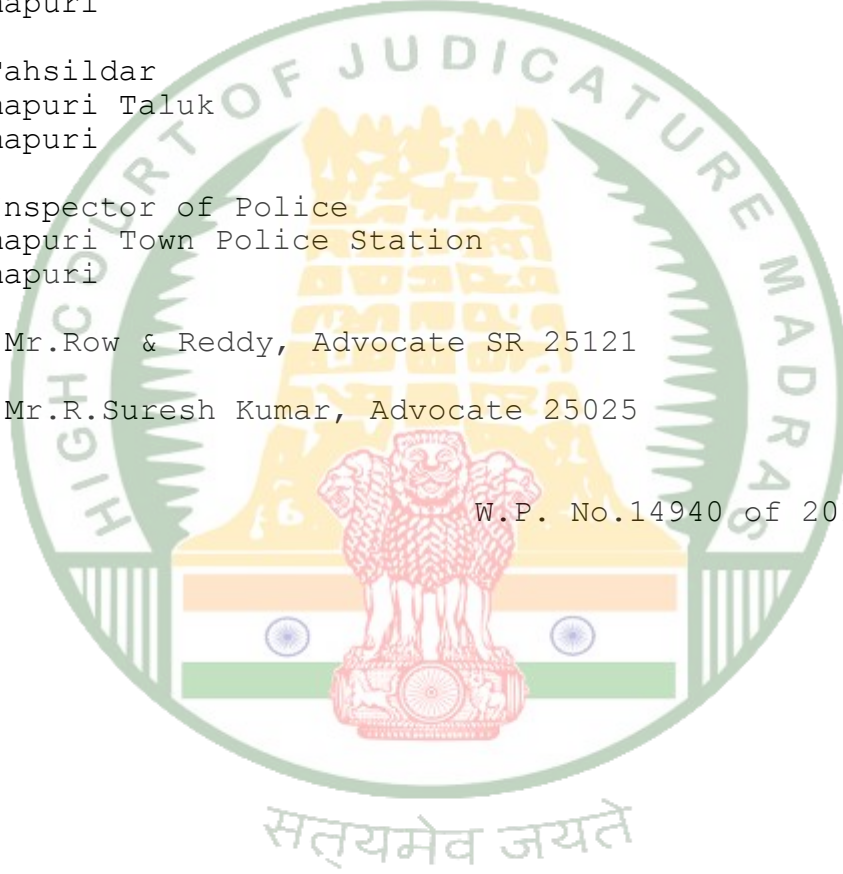
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+ 1 cc to Mr.Row & Reddy, Advocate SR 25121

+ 1 cc to Mr.R.Suresh Kumar, Advocate 25025

ns(co)
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