

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.2308 of 2016
and
W.M.P.No.2014 of 2016

B. Vahida

.... Petitioner

Vs

- 1 The Tamilnadu Wakf Board
rep. by Chief Executive Officer,
NO.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1
- 2 The Executive Officer
Jumma Mosque, Kallakurichi.
- 3 The Commissioner
Kallakurichi Municipality, Kallakurichi.
- 4 Baseera
Old Mariamman Koil Street, Kallakurichi
- 5 Liaqat Ali
Old Mariamman KOil Street, Kallakurichi
- 6 The Assistant Engineer
Tamilnadu Electricity Board (M & O)
Kallakurichi
- 7 The Inspector of Police
Kallakurichi

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the 1st respondent to take action in accordance with the Wakf Act to remove the encroachment in Wakf property at S.No.129/3 and 129/7 Ward 10 Kallakurichi and deliver possession to the Wakf in accordance with law and in terms of Wakf Act 1995.

For Petitioner : Mr.N.A. Nissar Ahmed

For Respondents : Mr. V. Lakshmi Narayanan
for
Mr. V. Raghavachari - R1
Mr. R. Ravichandran
Addl. Govt. Pleader - R3
Mr. M. Varunkumar - R6
Mr. N. Sakthivel
Govt. Advocate - R7

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ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI, J.,)

Mr. V. Lakshmi Narayanan, learned counsel, accepts notice for the first respondent. Mr. R. Ravichandran, learned Special Government Pleader, accepts notice for the third respondent. Mr.M.Varunkumar, learned counsel, accepts notice for the sixth respondent and Mr. N. Sakthivel, learned Government Advocate, accepts notice for the seventh respondent. Notice to respondents 2, 4 & 5 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, the writ petition is taken up for final disposal, at the admission stage itself.

2. By this petition, the petitioner seeks a direction to the first respondent to remove the encroachment in Wakf property at S.No.129/3 and 129/7 Ward 10 Kallakurichi and deliver possession to the Wakf in accordance with law and in terms of Wakf Act 1995.

3. Learned counsel appearing for the first respondent submits that spot inspection in respect of the area in question will be conducted and thereafter, necessary action for removal of the encroachment, if any, will be taken in accordance with law and on its own merits, expeditiously.

4. Considering the limited relief sought by the petitioner and the submission made by the learned counsel for the first respondent, without going into the merits of the case, we direct the first respondent to conduct spot inspection in respect of the area in question and take consequential action, on merits and in accordance with law, after affording proper opportunity of hearing to all the parties concerned including the alleged encrochers viz., respondents 4 & 5. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

ra.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1 The Chief Executive Officer,
Tamilnadu Wakf Board
NO.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1

2 The Executive Officer
Jumma Mosque, Kallakurichi.

3 The Commissioner
Kallakurichi Municipality, Kallakurichi.

4 The Assistant Engineer
Tamilnadu Electricity Board (M & O)
Kallakurichi

5 The Inspector of Police
Kallakurichi

+ 1 cc to Mr.N.A.Nissar Ahmed, Advocate SR 4466

+ 1 cc to Mr.V.Raghavachari, Advocate SR 4272

+ 1 cc to Govt.Pleader SR 4248

vgi(co)

prk4/2

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