

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6631 of 2016

- 1.Mahboob Basha
- 2.Niyamathullah
- 3.Rahimanullah
- 4.Rahimullah
- 5.Ghayazullah

... Petitioners

(petitioners are represented by
their power of attorney agent
Y.Akbar Ahmed)

vs.

- 1.The Commissioner of Police,
Vepery, Chennai-7.

- 2.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

- 3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

- 4.Shabuddin

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the representation dated 18.12.2015.

For Petitioners : Mr.N.Sudharsan

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader,
for R.1 to R.3

ORDER

The petitioners have come up with the present writ petition for a mandamus, directing the first respondent to consider their representation dated 18.12.2015.

2. Since the present writ petition has been filed only for the limited prayer to direct the first respondent to consider the representation dated 18.12.2015, this Court is not dealing with the entire averments made in the writ petition, since the same is not necessary for this Court to consider the prayer of the petitioners.

3. It is the main submission of the learned counsel appearing for the petitioners that the Tamil Nadu Wakf Board is trying to grab their property, land and super structure bearing Door No.3/98 in St.Patrick's Church Road, St. Thomas Mount, Chennai-16, measuring to an extent of 6752 sq.ft. comprised in Survey No.1791 Parangimalai Village, Alandur Taluk (formerly Tambaram Taluk), Kancheepuram District, covered by patta No.710. In this regard, the petitioners sent a representation dated 18.12.2015 to the first respondent. But, the first respondent has not considered the said representation so far. Hence, the petition.

4. Today, when the matter was taken up for consideration, learned Additional Government Pleader, appearing for the respondents 1 to 3 submitted that regarding the same allegations, the power of attorney agent of the petitioners has already given a complaint as against the fourth respondent herein and based on the said complaint, a case was registered in Crime No.35 of 2014 for the alleged offence punishable under Sections 448, 417, 420, 467 and 471 I.P.C. After completion of investigation, the said case was closed as mistake of fact and to that effect, final report was also filed before the learned Judicial Magistrate, Alandur. He has also produced the copies of the First Information Report and final report filed in this matter for the perusal of this Court.

5. Since, already the complaint given by the power of attorney agent of the petitioners as against the fourth respondent herein for the same set of allegations, has been closed as mistake of fact, now, I am of the opinion that this Court cannot give any direction to the first respondent.

6. Hence, recording the submission made by the learned Additional Government Pleader, the writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Vepery, Chennai-7.

2.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

+1cc to the Government Pleader Sr.11363

W.P.No.6631 of 2016

sld(CO)
srg(10/03/2016)

सत्यमेव जयते

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