



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.19127 of 2016

K.Maideen Shah

... Petitioner

Vs.

1.The Tamilnadu Wakaf Board,
Rep. By the Chief Executive Officer,
No.1, Jaffar Sirang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.The District Collector,
Dindigul,
Dindigul District.

3.The District Revenue Officer,
Dindigul,
Dindigul District.

4.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

5.The Thasildar,
Natham Taluk,
Dindigul District.

6.The Wakaf Inspector,
Eidgah Mahal,
Mohamathiapuram,
Dindigul.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 2 to 5 to take appropriate action for cancellation of pattas and sub-divisions made in the name of third parties in Survey Number 117/1 of Natham Village, Natham Taluk, Dindigul District and initiate action under Section 52 of the Wakaf Act, 1995 in accordance with law and by requiring all concerned and pass orders for restoration of the above mentioned property to the Wakaf, within a time stipulated by this Court.



WEB COPY

For Petitioner : M/s.H.Lakshmi Shankar
For R-1 & R-6 : Mr.K.K.Senthil

For R-2 to R-5 : Mr.R.Anandharaj,
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner, learned counsel appearing for Respondents-1 & 6 and the learned Government Advocate appearing for Respondents-2 to 5.

2. By consent, the Writ Petition itself is taken up for final disposal.

3. The petitioner claims to be the Muthavalli of 'Karanthamalai Sheik Bawa Dargah' and the Wakf property has been encroached by some third parties and pattas were also transferred in their name.

4. In the above circumstances, the Wakf Board requested the District Collector to initiate action under Section 52(2) of the Wakf Act, against the above said persons by a letter dated 06.08.2015. The petitioner being the Muthavalli of the Wakf, he has also sent a request to the second respondent to conduct enquiry and to take necessary steps. But, so far, no action has been taken by the District Collector. Hence, he has filed this Writ Petition.

5. Since the Wakf Board already made a request under Section 52(2) of the Act, it is the duty cast upon the second respondent to conduct enquiry and take action under Section 52(2) of the Act, to evict the persons in whose name, the patta now stands.

6. In view of the above, the second respondent is directed to take action under Section 52(2) of the Wakf Act and to pass suitable orders, on merits and in accordance with law, after giving notice to all the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/

Assistant Registrar (T&P)

/True Copy/



To

1.The Chief Executive Officer,
Tamilnadu Wakaf Board, No.1, Jaffar Sirang Street,
Vallal Seethakathi Nagar, Chennai-1.

2.The District Collector, Dindigul, Dindigul District.

3.The District Revenue Officer, Dindigul, Dindigul District.

4.The Revenue Divisional Officer, Dindigul, Dindigul District.

5.The Thasildar, Natham Taluk, Dindigul District.

6.The Wakaf Inspector, Eidgah Mahal,
Mohamathiapuram, Dindigul.

+1 cc to MR.H.LAKSHMI SHANKAR, Advocate Sr.No.58121

+1 cc to MR.K.K.SENTHIL, Advocate Sr.No.58154

+1 cc to Special Government Pleader Sr.No.58277

W.P (MD) No.19127 of 2016

03.10.2016

SMA/SKS-RR/17/10/2016 :3P/10C