

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Cont.P.No.827 of 2017

in

W.M.P.No.37963 of 2016

in

W.P.No.44130 of 2016

K.M.Goodu Sahib

... Petitioner

Vs

1. Janaf Kha. Rasith Ali,
Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai-600 001.

2. Mr.Liyakath Ali,
The Superintendent,
Wakf Superintendent Office,
4A, 5A, Thippu Sultan
Commercial Complex,
First Agraharam,
Salem-636 001.

3.Mr.Imran
The Inspector of Wakf,
77/21, Muhammed Ali Club Road,
Dharmapuri-636 701.

4. Mr.A.Akbar Basha,
S/o.Abdul Majith,
Mel Makkan,
Mittahalli (Village & Post),
Kaveripattinam,
Krishnagiri Taluk & District.

.. Respondents

PRAYER: This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 seeking to punish the respondents herein for violating order dated 23.12.2016

<https://hcservices.ecourts.gov.in/hcservices/> this Court in W.M.P.No.37963 of 2016 in W.P.No.44130 of 2016.

For Petitioner : Mr.S.M.Murali Dharan

For 1st Respondent: Mr.Mohamed Fayaz Ali

For 4th Respondent: Mr.Nissar Ahmed

O R D E R

The petitioner filed writ petition in W.P.No.44130 of 2016 along with WMP Nos.37963/2016. By order dated 23.12.2016, this Court granted an order of interim injunction, in respect of dispossession of the petitioner from the subject property, for a period of four weeks. Subsequently, on 08.03.2017, the interim order granted by this Court was extended for a further period of four weeks.

2. The petitioner has filed the present contempt petition before this Court, alleging that inspite of the order passed by this Court, the 4th respondent has forcibly taken possession of the shops, in gross violation of the interim orders dated 23.12.2016 passed by this Court and is also forcing the petitioner to vacate the premises, violating the order of this court. Hence, the respondents are liable to be punished for breach of the order of this Court.

3. The fourth respondent has filed the counter affidavit and also an additional counter affidavit. In the said counter affidavit, the 4th respondent had denied the

allegations made in the contempt petition. According to the 4th respondent, he has taken charge of the management and administration of the Wakf on 16.12.2016. Without disclosing the said fact, as if the petitioner is in possession of the Wakf properties and management, has filed the aforesaid writ petition and obtained the interim injunction.

4. According to the respondents, at the outset, the affidavit filed by the revision petitioner is vague, without furnishing the details, except it is stated that the respondents have disobeyed of the order of this court and the petitioner has been dispossessed from the property, except the aforesaid statement, no specific particulars are furnished in the affidavit. Therefore without stating the clear facts, the present Contempt Petition is filed and sought the same is liable to be dismissed.

5. In the counter affidavit of the 4th respondent, it is stated that on 16.12.2016 the 4th respondent had taken charge of the masjid of the Wakf and its properties and thereafter the 4th respondent assumed charge of the Management and properties. The interim injunction was granted only on 23.12.2016. The petitioner has not stated the particulars of the date of dispossession of the property, pursuant to the order passed by this Court and there is no denial about the date of possession taken by

the 4th respondent. The interim injunction granted by this Court was extended for a further period of four weeks, on 08.03.2017. Thereafter, the petitioner has not taken any steps to extend the interim injunction. Further, the 4th respondent has filed an Additional Counter Affidavit, before this Court by tendering his unconditional apology, if there is any violation of the orders of this Court.

6. In view of the above facts and the affidavit filed by the 4th respondent, the contempt petition is closed.

SD/
ASSISTANT REGISTRAR(O.S.I)
avr

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)
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CO/25/06/2018.

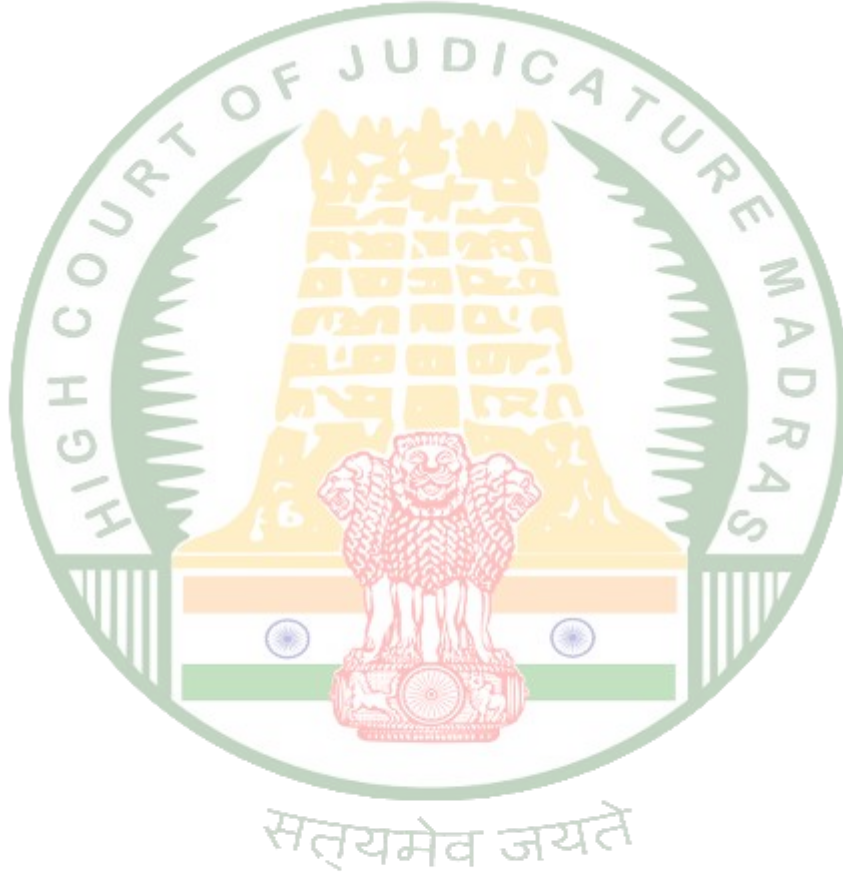
One CC to M/s. Murali Dharan, SR.14058.

One CC to M/s.N.A. Nissar Ahmed, SR.13993.

To.

1. The Chief executive officer,
Tamil Nadu Welfare Board,
Chennai -600 001.

2. The Superintendent
Welfare Superintendent office,
Thippu Sultan Commercial Complex
First Agraharam,
Salem -636 001.
3. The Inspector of Walf,
77/21, Muhammed Ali Club Road,
Dharmapuri -636 701.



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