

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.18478 of 2017

S.Abdul Gafoor

... Petitioner

Vs.

1. Tamil Nadu Wakf Board,
rep by the Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 1.

2. The Tahsildar,
Nagapattinam.

3. The Revenue Divisional Officer,
Nagapattinam.

4. The District Revenue Officer,
Nagapattinam.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to conduct the enquiry and to submit report as directed by the 3rd respondent vide proceedings in O.Mu.1301/2016/A4 dated 21.06.2016.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader
(R2 to R4)

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O R D E R

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for the respondents 2 to 4. By consent, the writ petition is taken up for disposal in the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the 2nd respondent to conduct the enquiry and to submit report as directed by the 3rd respondent.

3.Challenging the issuance of patta by the 2nd respondent, the petitioner has given a representation to the 4th respondent, the District Revenue Officer.

4.Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 2 to 4 submitted that the petitioner has got a remedy by way of an appeal before the 3rd respondent, therefore, the petitioner may be given liberty to file an appeal before the 3rd respondent challenging the order passed by the 2nd respondent.

5.In view of the submissions made by the learned counsel on either side, I give liberty to the petitioner to file an appeal before the 3rd respondent challenging the issuance of patta by the 2nd respondent in accordance with law and on receipt of the appeal to be filed by the petitioner, the 3rd respondent is directed to decide the same on merits and in accordance with law, after giving notice to all the interested parties, as expeditiously as possible.

6.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Tahsildar,
Nagapattinam.

3. The Revenue Divisional Officer,
Nagapattinam.

4. The District Revenue Officer,
Nagapattinam.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.51065

+1cc to the Government Pleader, S.R.No.51949

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CA (02/08/2017)