

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.35877 of 2016

Hyder Ali Tippu Sulthan Dhakni Sunnath
Jamath Mosque & Burial Ground,
Rep. By its President, A.Ahmed Basha. ... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrarng Street,
Vallal Seethakadhi Nagar,
Chennai 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrarng Street,
Vallal Seethakadhi Nagar,
Chennai 600 001.
3. R.Venugopal
4. Natraj
5. Syed Alwi
6. Ramasamy
7. Jaikumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to proceed further with the enquiry initiated in proceedings Na.Ka.No.3225/2010/Cbe/C1 dated 4.7.13 against respondents 3 to 7 herein and others and take further statutory steps for recovery of possession and to complete the same within a time frame to be fixed by this Court.

For Petitioner : Mr.N.Ishtiaq Ahmad

For Respondents : Mr.V.Raghavachari for RR 1 & 2

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On perusal of the counter-affidavit, it transpires that qua 71 encroachers out of 78 encroachers at Wakf property, orders have been passed, while for the remaining 7, notices have been issued.

2.Learned counsel for the Wakf Board states that in view of the provisions of Section 54 (4) of the Wakf Act, 1995, it is the Tribunal which has to take steps for eviction, for which the Chief Executive Officer has to move the Tribunal. In this behalf, it is informed that the practice is that the Muthavalli gets the plaint prepared which is then handed over for signatures to the Chief Executive Officer, who will, in turn, present the same before the Tribunal.

3.The aforesaid action be, thus, completed expeditiously.

Writ petition is, accordingly, closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrarng Street,
Vallal Seethakadhi Nagar,
Chennai 600 001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrarng Street,
Vallal Seethakadhi Nagar,
Chennai 600 001.

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.3475

W.P.No.35877 of 2016

SSI(CO)
CA(01/02/2017)