

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7397 of 2018

S.Nagore Meeran

S/o.Shamsudeen

.. Petitioner

Vs.

1.The Distrit Collector  
Kancheepuram District  
Kancheepuram - 631 501.

2.The Thasildar  
Sriperumbudur Taluk  
Sriperumbudur  
Kanchipuram - 631 501.

3.The Special Thasildar  
Kanchipuram Municipality  
Kanchipuram - 631 501.

4.The Chief Executive Officer  
The Tamil Nadu Wakf Board  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar  
Chennai-600 001.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd and 3rd respondent herein to cancel the Patta issued in favour of third parties in Survey No.1702/2, 1704/1, 1633, 1636, 1639, 1641, 1693/1, 1697, 1708 & 1709 and issue Patta to the petitioner's wakf in respect of the above mentioned survey wakf properties belongs to Isbanthiar Baig Mosque situated in little Kanchipuram, 2nd division in consonance with the memorandum issued by the 1st respondent in O.Mu.24238/2017/No.3 dated 13.12.2017 and by considering the petitioner's representation dated 25.09.2017 and reminder letter dated 18.01.2018.

For Petitioner : Mr.I.Abdul Basith  
For Respondents : Mr.R.Govindasamy  
Special Government Pleader  
for R1 to R3

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 to 3.

2. The petitioner claiming to be the Muthavalli of the Isbanthiar Baig Mosque has filed the present writ petition seeking for mandamus directing the 2nd and 3rd respondent herein to cancel the Patta issued in favour of third parties in Survey No.1702/2, 1704/1, 1633, 1636, 1639, 1641, 1693/1, 1697, 1708 & 1709 and issue Patta to the petitioner's wakf in respect of the above mentioned survey wakf properties belongs to Isbanthiar Baig Mosque situated in little Kanchipuram, 2nd division in consonance with the memorandum issued by the 1st respondent in O.Mu.24238/2017/No.3 dated 13.12.2017 and by considering the petitioner's representation dated 25.09.2017 and reminder letter dated 18.01.2018.

3. It is stated that the Patta in respect of the property belonging to the Wakf has been granted in favour of some third parties and therefore, the petitioner has made a request for cancellation of such Patta before the Revenue Officials.

4. The grievance of the petitioner is that such request made by the petitioner on 25.09.2017 is still pending consideration. It is seen that the District Revenue Officer, Kanchipuram District through the proceedings dated 13.12.2017 directed the Special Tahsildar and the Tahsildar, Kanchipuram District to take action on the petitioner's representation.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the respondents 2 and 3 to consider such request of the petitioner and pass appropriate orders on merits and in accordance with law. Therefore, this writ petition is disposed of, only with a direction to the respondents 2 and 3 to consider the representation of the petitioner dated 25.09.2017 and pass orders on the same on merits and in

accordance with law, after giving due opportunity of hearing to the petitioner as well as the persons in whose names, the Patta stand as on today. Such exercise shall be done by the respondents 2 and 3 within a period of twelve weeks. No costs.

-s/d-  
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Distrit Collector  
Kancheepuram District  
Kancheepuram - 631 501.
- 2.The Thasildar  
Sriperumbudur Taluk  
Sriperumbudur, Kanchipuram - 631 501.
- 3.The Special Thasildar  
Kanchipuram Municipality  
Kanchipuram - 631 501.
- 4.The Chief Executive Officer  
The Tamil Nadu Wakf Board  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar  
Chennai-600 001.

+1 CC to Mr.I.Abdul Basith, Advocate Sr.No.24031

+1 CC to Government Pleader, High Court, Chennai Sr.No.24299

W.P.No.7397 of 2018

KP(11/04/2018)