

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.01.2018

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.25329 of 2012

Z.Anver Basha .. Petitioner

Vs.

- 1.The Tamilnadu Wakf Board,
rep. By its Chief Executive Officer,
No.1, Jaffer Sarang Street,
Vallal Seethakadhi Nagar,
Mannady,
Chennai-600 001.
- 2.The Wakf Superintendent,
Jumma Pallivasal Wakf,
Jumma Pallivasal,
Kallakurichi-606 202
Villupuram District.
- 3.Sivagami,
Sivagami Traders,
No.11, Salem Roads,
Opp. To Bus Stand,
Kallakurichi-606 202,
Villupuram District.
- 4.Duraiswamy Mudaliyar,
Nellai Sweets,
No.4, Opp. To Bus Stand,
Kallakurichi-606 202,
Villupuram District.
- 5.Shanmugam
Nalli Silk House,
10, Salem Main Road,
Kallakurichi-606 202,
Villupuram District.

6.R.Ravi,
Bharath Enterprises,
10-A, Salem Main Road,
Kallakurichi - 606 202,
Villupuram District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent to take action against the respondents 3 to 6 under section 52 of the Wakf Act 1995, to recover the Wakf property namely Shop Nos.4, 10, 11, 10A in S.No.291/1 Salem Main Road, Kallakurichi.

For Petitioner .. Mr.A.Ajimath Begam

For Respondents .. Mr.V.Raghavachari for R1
Mr.C.S.K.Sathish for RR5 & R6
RR2 to 4 No Appearance

ORDER

The petitioner has approached this Court, seeking the following relief:

"To issue Writ of Mandamus directing the 1st respondent to take action against the respondents 3 to 6 under section 52 of the Wakf Act 1995, to recover the Wakf property namely Shop Nos.4, 10, 11, 10A in S.No.291/1 Salem Main Road, Kallakurichi. "

2.The prayer itself is only in the form of direction to the first respondent to conduct an enquiry in respect of the grievance expressed by the petitioner in the present writ petition against the respondents 3 to 6 as per the provisions of the Wakf Act, 1995.

3. The learned counsel appearing for the Wakf Board, has no objection for issuance of such direction as sought for in the writ petition.

4. In the above circumstances, this Court directs the first respondent to conduct an enquiry into the grievance of the petitioner as against the respondents 3 to 6 under Section 52 of the Wakf Act, 1995 and pass suitable orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is also open to the petitioner to circulate a copy of the affidavit filed in support of the writ petition to the first respondent. The first

respondent is also directed to afford an opportunity of hearing to both the parties before passing the orders.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Executive Officer,
The Tamilnadu Wakf Board,
No.1, Jaffer Sarang Street,
Vallal Seethakadhi Nagar,
Mannady,
Chennai-600 001.
2. The Wakf Superintendent,
Jumma Pallivasal Wakf,
Jumma Pallivasal,
Kallakurichi-606 202
Villupuram District.

+1 cc to M/s.A.Ajimath Begum Advocate sr 2887
+1 cc to M/s.V.Raghavachari Advocate sr 2818

सत्यमेव जयते

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