



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

CORAM:

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P.(MD).No.1595 of 2018

and

W.M.P.(MD)No.1685 of 2018

A.M. Ibrahim Ali

... Petitioner

Vs.

1.The Agent,

Prince of Arcot Endowments,
No.12, 2nd Floor,
GM MK Block,
N.S.B. Link Road,
Trichy-620 002.

2.The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai-600 002.

3.The Collector,
Trichy District,
Trichy-620 002.

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

5.The Commissioner,
Trichy Municipal Corporation,
Trichy-620 001.

... Respondents

PRAYER:This petition is filed under Article 226 of Constitution of India, to issue of Writ of Mandamus, to direct the 4th respondent to follow the provisions contained in Section-32 of the Wakf Act, 1995, and to ensure that the 1st respondent to properly maintain the Superintendence control and administer the income there of is duly applied to the object for the purposes for which such Wakf is created and intended in Navab Azeem Jah Colony, N.S.B. Road, Trichy-2 and to render accounts to the fourth respondent.



WEB COPY

For Petitioner	: Mr.M.MD.Ibrahim Ali
For Respondent No.1	: No Appearance
For Respondent Nos.2 & 3	: Mr.A.K.Baskara Pandian Special Government Pleader
For Respondent No.4	: Mr.K.K.Senthil
For Respondent No.5	: Mr.N.S.Karthikeyan

ORDER

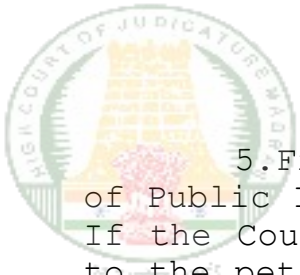
(Order of this Court was made by N.KIRUBAKARAN, J)

By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.Heard Mr.M.MD.Ibrahim Ali, learned counsel for the petitioner, Mr.A.K.Baskara Pandian, learned counsel for the respondents 2 and 3 and Mr.K.K.Senthil, learned counsel for the fourth respondent and Mr.N.S.Karthikeyan, learned counsel for the fifth respondent.

3.The petitioner, who was inducted by the first respondent as a tenant, has challenged the authority of the first respondent and seeks a direction to the fourth respondent to take action against the first respondent under Section 32 of the Wakf Act, 1995. It is yet another private litigation sought to be made as a Public Interest Litigation. By an agreement dated 01.04.1989, the petitioner was inducted as a tenant by the first respondent in the property located in Trichy Municipality for the period from 01.04.1989 to 31.03.1990 at the rate of Rs.195/- (Rupees One Hundred and Ninety Five only). There are certain disputes between the parties. The matter went up to the Hon'ble Supreme Court and there was a direction to the first respondent to receive the rent from the petitioner for the house bearing Old No.19/3 and New No.62, Navab Azeem Jah Colony, N.S.B.Road, Trichy-2. In spite of the Court orders, the first respondent refused to receive the rent from the petitioner and hence, the petitioner has come before this Court with the writ petition seeking a direction to the fourth respondent to take action against the first respondent under Section 32 of the Wakf Act, 1955 on the ground that the properties have not been properly administered by the first respondent.

4.It is very clear from the averments made in the affidavit filed in support of the writ petition and the documents filed that the petitioner is only a tenant under the first respondent. The only grievance of the petitioner is that in spite of the Court's order, the first respondent refused to receive the rent from the petitioner and therefore, the petitioner sought for an interim direction to the fourth respondent to receive the rent from the petitioner for the house bearing Old No.19/3 and New No.62, Navab Azeem Jah Colony, N.S.B.Road, Trichy-2.



5.From the above, it is very clear that there is no element of Public Interest in this case and it is only a private litigation. If the Court's order has not been complied with, it is always open to the petitioner to take appropriate proceedings against the first respondent. Without doing that, the petitioner again ventured into filing Public Interest Litigation. Therefore, this Writ Petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

6.Though heavy cost has to be awarded against the petitioner for misusing and abusing process of law by invoking Public Interest Litigation Jurisdiction under Article 226 of the Constitution of India, taking note of the poor status of the petitioner, this Court intends to take lenient view and leave the petitioner with warning.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai-600 002.

2.The Collector,
Trichy District,
Trichy-620 002.

+One cc to The Special Government Pleader, SR.No.45228

+One cc to Mr.Mohammed Ibrahim Ali, Advocate, SR.No.44505

+One cc to Mr.N.S.Karthikeyan, Advocate, SR.No.44432

+One cc to Mr.K.K.Senthil, Advocate, SR.No.44824

mrn/Ns
RL/7C/3P/KK/SAR1/20/2/2018

W.P. (MD) .No.1595 of 2018
and
W.M.P. (MD) No.1685 of 2018