



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.634 of 2018

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The President,
Mangalam Mohideen Jumma Pallivasal
Maravamangalam
Kalaiyarkovil Taluk,
Sivagangai District.

... Petitioner

Vs.

The Chief Executive Engineer,
Tamil Nadu Wakf Board,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

... Respondent

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondent to file an application under Section 54(3) of the Wakf Act, 1995 and to consequently evict / remove all encroachment made in respect of the Wakf lands in S.Nos.264/2, 267, 264/2P and 229/7, Maravamangalam Village, Sivagangai District by considering the petitioner's representation dated 14.10.2017.

For Petitioner	: Mr.M.Mahaboob Athiff
For Respondent	: Mr.K.K.Senthil

ORDER

This writ petition has been filed seeking a direction to the the respondent to file an application under Section 54(3) of the Wakf Act, 1995 and to consequently evict / remove all encroachments made in respect of the Wakf lands in S.Nos.264/2, 267, 264/2P and 229/7, Maravamangalam Village, Sivagangai District by considering the petitioner's representation dated 14.10.2017.

2.Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.K.K.Senthil, learned counsel for the respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.According to the petitioner, the petitioner is the Muthavalli of Mangalam Mohideen Jumma Pallivasal. Earlier, the petitioner has filed an application before the respondent under Section 54(1) of the Wakf Act, 1995, seeking removal of certain encroachments in the wakf property. Pursuant to the application, the respondent has also passed an order on 18.07.2016 directing the encroachers to remove the encroachment and as per Section 54(3) of the Wakf Act, 1995, the respondent should file an application before



the Tribunal seeking removal of encroachment and thereafter only, the Revenue authority will initiate action. However, the respondent has not filed any application so far before the Tribunal, seeking removal of encroachment. Hence, this writ petition has been filed.

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4.I have heard the submissions made on either side and perused the materials carefully.

5.Even though the respondent has passed the order as early as on 18.07.2016 directing to remove the encroachments in the wakf property and consequently the respondent should approach the Wakf Tribunal under Section 54(3) of the Act, 1995 for confirmation. But he has not done it so far. Hence, the respondent is directed to file necessary application under Section 54(3) of the Act, 1995 before the Tribunal within a period of four weeks from the date of receipt of a copy of this order. On receipt of such application, the Tribunal shall consider the same within a period of eight weeks thereafter.

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

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

+1cc to Mr.K.K.SENTHIL,Advocate,SR.41970

WP (MD) No.634 of 2018
11.01.2018

MJ

KK/SKN RSK/SAR 2/12.02.2018/ 2P- 2C/