



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.4043 of 2019

S.Mohamed Ghouse

... Petitioner

-vs-

1.The District Collector,
Cuddalore.

2.The Tashildhar,
Panruti Taluk, Cuddalore District.

3.H.Abdul Samad Khan

4.The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
(R-4 impleaded vide order dt.
02.07.2019, in WMP.6160/2019)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 and 2 to consider the petitioner's representation dated 19.11.2018 and to take appropriate action to remove the encroachment made by the 3rd respondent in the public pathway comprised in Survey No.242, situated in Pakkiripalayam Village, Melkavarapattu, Panruti Taluk, Cuddalore.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.S.N.Parthasarathy
Govt. Advocate for RR 1 and 2
: Mr.V.Lakshmi Narayanan
Stdg. Counsel for R-4



O R D E R

(Order of the Court was made by M.DURAISWAMY, J.)

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The above writ petition has been filed by the petitioner to issue writ of mandamus to direct the respondents 1 and 2 to consider the representation dated 19.11.2018 of the petitioner for removing the encroachment by the third respondent.

2.Mr.V.Lakshmi Narayanan, the learned Standing Counsel appearing for the Wakf Board, the fourth respondent, submitted that the property belongs to Wakf and therefore, the fourth respondent is the appropriate authority to remove the encroachment by the third respondent.

3.The learned counsel appearing for the petitioner submitted that the petitioner would give a fresh representation to the fourth respondent within a period of one week.

4.In view of the submission made by the learned counsel for the petitioner, the petitioner is directed to give a fresh representation to the fourth respondent within a period of one week from the date of receipt of a copy of this order and the fourth respondent shall decide the same on merits and in accordance with law as expeditiously as possible.

With these observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra
To

1.The District Collector, Cuddalore.

2.The Tashildhar,
Panruti Taluk, Cuddalore District.



3.The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

+1cc to the Government Pleader Sr.62079, 61337
+1cc to Mr.P.Sesubalan Raja, Advocate Sr.61387
+1cc to Mr.V.Raghavachari, Advocate Sr.60581

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ssd[col]
srg 26/08/2019