



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2019

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.37295 of 2005

and

W.P.M.P.Nos.39939 to 39942 of 2005

A.H.Pakkir Mohammed

.. Petitioner

Vs

1. The Tamil Nadu Wakf Board,
Represented by its Chair Person,
No.6, Santhome High Road,
Chennai - 4.
2. The Revenue Divisional Officer,
Chidambaram.
3. The Sub Inspector of Police,
Puthur Police Station,
Kattumannarkoil Taluk.
4. The Inspector of Police,
Kattumannarkoil Police Station,
Kattumannarkoil.
5. Abdul Gaffar

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to Directing the Wakf Board to immediately take necessary steps to take proper control of the Wakf properties in Kollumedu including the two school properties from the illegal occupants and persons namely the 5th respondent claiming to be owner and direct the 1st respondent proper administration of the same through proper authorities to the benefit of Muslim and the other children of the local community.

For Petitioner	:	Mr.C.Prasanna Venkatesh
For Respondent	:	Mr.V.Raghavachari for R1
	:	Mr.B.Anand
	:	Government Advocate for R2 to R4
	:	No Appearance for R5



O R D E R

The prayer in this Writ Petition for issuance of a Writ of Mandamus to direct the first respondent to hand over the administration of both schools from fifth respondent to the petitioner.

2. Heard, Mr.C.Prasanna Venkatesh, learned counsel appearing for the petitioner and Mr.V.Raghavachari, learned counsel appearing for the first respondent and Mr.B.Anand, learned Government Advocate appearing on behalf of the respondents 2 to 4. Despite the service of notice and the name of the fifth respondent being printed in the cause list, none-appears on his behalf.

3. According to the petitioner, he became the Muthavalli of Jamia Masjith of Kollumedu Village in Kattumannarkoil Taluk in Cuddalore District in the year 2004. Subsequently, he became aware of the fact that the fifth respondent conspired with the erstwhile Muthavallis, who had illegally sold the Wakf properties to the individuals. The encroachment of Wakf property by one M.K.Mohammed Yehya was brought to the notice of the first respondent, but no action was taken.

4. The petitioner would claim that an aided elementary Muslim school was established in his village before 1925 by the Jammath Education Committee called as "Muslim Kalvi Kazhagam" and now two schools were managed by them and it is customary that the Muthavalli be the head of the society. However, the fifth respondent by using his influence in the society and though fabricated records have been trying to illegally grab the Wakf property consisting of the schools and therefore, the present Writ Petition is filed.

5. The learned Standing counsel appearing for the first respondent would state that the present Writ Petition is not maintainable and the grievances of the petitioner have to be addressed before the appropriate Forum. According to the learned counsel, if there is any dispute over the Management of the School, Wakf Board is the authority to pass the orders, as against which, an appeal has to be preferred before the Government. However after establishment of the Wakf Tribunal, all the issues relating to Wakf have to be agitated only before the Tribunal.

6. It is submitted by the learned Government Advocate that both the petitioner as well as the fifth respondent made complaints to the police against each other, which were enquired into and the cases are closed, on the basis of the



compromise memo filed by both the parties before the respondent police.

7. As rightly pointed out by the learned Standing counsel appearing for the first respondent, the present Writ Petition is not maintainable for the reason that the petitioner is having an effective alternative remedy before the Wakf Tribunal.

8. In the light of the above facts, this Writ Petition is dismissed as not maintainable. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Chair Person,
Tamil Nadu Wakf Board,
No.6, Santhome High Road,
Chennai - 4.
2. The Revenue Divisional Officer,
Chidambaram.
3. The Sub Inspector of Police,
Puthur Police Station,
Kattumannarkoil Taluk.
4. The Inspector of Police,
Kattumannarkoil Police Station,
Kattumannarkoil.

+1cc to Mr.V.Raghavachari, Advocate sr.48938

+1cc to Government Pleader sr.49430

W.P.No.37295 of 2005

nr 04/09/2019