

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 10094 of 2019

and

W.M.P. Nos. 10657, 10659 and 10662 of 2019

M/s. Million Foundations,
Rep. By its Partner,
Mrs. K. Madhu,
No. 56, Narayanamudali Street,
Chennai 79.

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Wakf Board,
No. 1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
3. The District Revenue Officer/
Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
4. The District Superintendant of Aquaf
and Superintendant of Aquaf Wakfs,
Chennai District,
Tamil Nadu Wakf Board,
No. 1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned notice of the

4th Respondent in R.C. No. 4592/B9/CHENNAI dated 06.02.2019 and quash the same in so far as concerned in Item No. 1 of the property alone and consequently, direct the Respondents not to proceed anything with regard to the property situate at Old No. 43, New No. 204, Present Door No. 237, Linghi Chetty Street, Chennai 600 001, measuring about 2686 Sq. ft in Old Survey No. 1088, R.S. No. 4771 and Collector Certificate No. 479 dated 24.01.1887 till the disposal of the Appeal in O.A. No. 200 of 2018 (Formerly O.A. No. 16 of 2011) which is pending before the Wakf Tribunal, Chennai.

For Petitioner : Mr. A. Ilaya Perumal

For Respondents: Mr. Mohammed Fayaz Ali
Standing Counsel

O R D E R

Heard Mr. A. Ilaya Perumal, Learned Counsel for the Petitioner and Mr. Mohammed Fayaz Ali, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the notice R.C. No. 4592/B9/CHENNAI dated 06.02.2019 issued by the Fourth Respondent for auction in so far as Item No. 1 of the property is concerned and to consequently direct the Respondents not to proceed anything with regard to the property situate at Old No. 43, New No. 204, Present Door No. 237, Linghi Chetty Street, Chennai 600 001, measuring about 2686 sq. ft in Old Survey No. 1088, R.S. No. 4771 and Collector Certificate No. 479 dated 24.01.1887 till the disposal of the appeal in O.A. No. 200 of 2018 (formerly O.A. No. 16 of 2011), which is pending before the Waqf Tribunal, Chennai.

3. It is represented by Learned Counsel for both sides that trial has already commenced in O.A. No. 200 of 2018 (formerly O.A. No. 16 of 2011) before the Waqf Tribunal, Chennai and the matter is posted today for cross-examination of P.W.1. It is also stated that in view of the pendency of the aforesaid legal proceedings, the auction pursuant to the impugned notification was not proceeded.

4. Having due regard to the aforesaid submissions made and subsequent events that have taken place, it is made clear that depending upon the outcome of the proceedings in O.A. No. 200 of 2018, (formerly O.A. No. 16 of 2011) before the Waqf Tribunal, it would be open to the Respondents to take further action in accordance with law, and that if the Respondents intend to conduct auction in the interregnum, it could be only after

obtaining specific prior written permission of the Waqf Tribunal in that regard.

5. The Writ Petition is disposed on the aforesaid terms. Connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Wakf Board,
No. 1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
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Chennai 600 001.

+1cc to Mr.A.Ilaya Perumal, Advocate Sr.84398
+1cc to Mr.Mohammed Fayaz Ali, Advocate Sr.84402

W.P. No. 10094 of 2019

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srg 22/10/2019