



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2019

CORAM:

THE HONOURABLE **MR.JUSTICE N.KIRUBAKARAN**

and

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

W.P(MD)No.4201 of 2019

S.Mohammed Hasan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Collectorate, Ramanathapuram.

2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
(Customs House Backside),
Chennai - 600 001.

4.The District Wakf Board Superintendent,
Ramanathapuram District Wakf Committee,
Aranmani Road, Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to conduct enquiry and taken appropriate steps to recover encroached properties belongs to our pallivasal namely, 'Al Majidul Aksa' Masque at Sayalkudi Town Panchayat, Kadaladi Taluk, Ramanathapuram District for the benefit of public charitable and wakf activities considering the petitioner representation, dated 01.02.2019.

For Petitioner : Mr.R.Narayanan

For R1 and R2 : Mr.A.Muthu Karuppan
Additional Government Pleader

For R3 and R4 : Mr.S.A.S.Alavudeen

**ORDER**

(Order of the Court was made by **S.S.SUNDAR, J.**)

WEB COPY This writ petition is filed for directing the 1st respondent to conduct enquiry and take appropriate steps to recover the encroached properties belonging to one 'Al Majidul Aksa' Masque at Sayalkudi Town Panchayat, Kadaladi Taluk, Ramanathapuram District for the benefit of public charitable and wakf activities considering the petitioner representation, dated 01.02.2019.

2.The object of filing of this petition is stated to be in public interest in discharging the fundamental duties of the petitioner under Article 51A (h), (k) of Constitution of India. The petitioner states that several properties of the Wakf, known as 'Al Majidul Aksa' Masque at Sayalkudi Town Panchayat have been encroached and that such encroachments have to be removed by the respondents.

3.In the entire affidavit filed in support of this petition or in the representation, the petitioner has not given the particulars of the lands, which belonged to the said Wakf and the details about the encroachers. In a public interest litigation, the person, who approaches the Court, should come with the minimum particulars, so that the Court may be in a position to give an effective disposal in public interest. The petitioner has approached the fourth respondent, the Wakf Board, by giving representations. None of the representations indicates that the petitioner has given particulars about the properties of Wakf.

4.The petitioner has filed a petition under Right to Information Act, and the information furnished to the petitioner is that no details of the properties are available with the Wakf Board Superintendent. In the said circumstances, without any further material or documents to show that the properties of Wakf are being encroached by strangers and that action is required to be taken by the fourth respondent, encroachment can not be assumed by this Court for the purpose of entertaining this writ petition. This Court do not find any *bona fides* in the litigation. Hence, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs.

5.It is open to the petitioner to collect adequate information as to the properties of the said Wakf and the encroachment and the details of persons, who have encroached the lands of the said Wakf. Since the Wakf Act specifies duties and functions of the Wakf as well as the Wakf Board to protect Wakf



properties, the Wakf Board or the concerned Wakf may take appropriate action against the encroachers, in case the petitioner approaches them with correct and full particulars.

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/ True Copy /

Sd/-

Assistant Registrar (W)

Sub Assistant Registrar (CS)

To

- 1.The District Collector,
Ramanathapuram District,
Collectorate, Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
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- 4.The District Wakf Board Superintendent,
Ramanathapuram District Wakf Committee,
Aranmani Road, Ramanathapuram.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-51836[F] dated 05/03/2019)

W.P (MD) No. 4201 of 2019

04.03.2019

cmr

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