



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A. (MD) No.661 of 2019
and C.M.P. (MD) No.5597 of 2019
and
W.P. (MD) No.19684 of 2018
and W.M.P. (MD) No.17447 of 2018**

W.A. (MD) No.661 of 2019:

- 1.Palani Town Muslim Dharma
Paribalana Sangam Waqf,
represented by its President/Mutawalli,
Palani Town,
Dindigul District.
- 2.A.Kaiser
- 3.Peer Mohamed
- 4.Syed Santhu Mohamed
- 5.M.Asik Raja ... Appellants/Respondents 6 to 10

-vs-

- 1.Ubaithur Rahman ... 1st Respondent/Writ Petitioner
- 2.The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Sethakathi Nagar,
Mannady,
Chennai - 600 001.
- 3.The Superintendent of Waqf,
South Zone,
Madurai.
- 4.The Waqf Inspector,
Dindugal.
- 5.The Superintendent of Police,
Dindugul District,
Dindugul.



6.The Inspector of Police,
Palani Town Police Station,
Palani.

... Respondents 2 to 6/Respondents 1 to 5

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 19.09.2018, made in W.M.P.(MD) No.17447 of 2018 in W.P.(MD) No.19684 of 2018, on the file of this Court.

For Appellants	:	Mr.G.Chandra Sekar
For 1 st Respondent	:	Mr.K.K.Senthil
For Respondents 2 to 4	:	Mr.N.Mohideen Basha
For Respondents 5 & 6	:	Mr.A.Muthukarrupan Additional Government Pleader

W.P. (MD) No.19684 of 2018

Ubaithur Rahman

... Writ Petitioner

-vs-

- 1.The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Sethakathi Nagar,
Chennai - 600 001.
- 2.The Superintendent of Waqf,
South Zone,
Madurai.
- 3.The Waqf Inspector,
Dindugal.
- 4.The Superintendent of Police,
Dindugul District,
Dindugul.
- 5.The Inspector of Police,
Palani Town Police Station,
Palani.
- 6.Palani Town Muslim Dharma Paribalana Sangam,
represented by its President/Mutawalli,
Palani Town, Dindigul District.



7.Kaiser
8.Peer Mohamed
9.Syed Santhu Mohamed
10.M.Asikraja

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the seal and unlock the over lock put by the respondents 7 to 10 in the petitioners shop in Door No.79 Gandhi Road, Palani Town, Dindigul District and to take action upon the respondents 7 to 10 by considering the representation of the petitioner dated 05.09.2018.

For Petitioner : Mr.K.K.Senthil

For Respondent 1 to 3 : Mr.N.Mohideen Basha

For Respondents 4 & 5: Mr.A.Muthukarrupan
Additional Government Pleader

For Respondents 6 to 10: Mr.G.Chandra Sekar

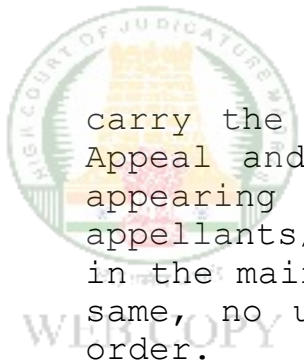
COMMON JUDGMENT

[Common Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.G.Chandra Sekar, learned counsel appearing for the appellants/respondents 6 to 10, Mr.K.K.Senthil, learned Standing Counsel appearing for the first respondent/writ petitioner, Mr.N.Mohideen Basha, learned counsel appearing for the respondents 2 to 4/respondents 1 to 3 and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 5 and 6/respondents 4 and 5.

2.The Writ Appeal has been filed challenging the order and direction dated 19.09.2018, issued in W.M.P.(MD) No.17447 of 2018 in W.P.(MD) No.19684 of 2018, filed by the first respondent herein for a direction to remove the lock and seal put up by the appellants.

3.It appears that there is a dispute between the appellants/respondents 6 to 10, who claims to be the Jamat and the 1st respondent/writ petitioner, who is the tenant of the Waqf property. The allegation of the appellants is that the first respondent sublet the property without the express consent of the Waqf and without following the procedure. This has resulted to the dispute of 1st respondent putting lock and the appellants putting counter lock. The learned Single Bench by the impugned order directed the lock to be removed to enable the first respondent to



carry the business. This order has been challenged in this Writ Appeal and the Writ Petition is pending and the learned counsel appearing for the first respondent/writ petitioner and the appellants/respondents 6 to 10 would contend that since the prayer in the main writ petition and the interim petition are one and the same, no useful purpose would be served by vacating the interim order.

4.In the light of the above, we are tagging W.P.(MD) No.16984 of 2019 along with this appeal and as the lock has been removed and the first respondent is stated to be carrying on business, we are disposing of both the Writ Appeal and Writ Petition by directing the second respondent in this appeal viz., the Chief Executive Officer, Tamil nadu Waqf Board to cause an enquiry in the matter after issuing notice to the appellants and the first respondent herein and take a decision in the matter as expeditiously as possible and the decision of the second respondent shall bind all the parties. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

sj

To:

- 1.The Superintendent of Police,
Dindugul District,
Dindugul.
- 2.The Inspector of Police,
Palani Town Police Station,
Palani.
- 3.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Sethakathi Nagar,
Chennai - 600 001.



4.The Superintendent of Waqf,
South Zone,
Madurai.

+1 CC to M/s.G.CHANDRASEKAR, Advocate (SR-87306[F] dated
18/09/2019)

W.A. (MD) No.661 of 2019
and C.M.P. (MD) No.5597 of 2019
and
W.P. (MD) No.19684 of 2018
and W.M.P. (MD) No.17447 of 2018
16.09.2019

KM/ (01.10.2019) 5P 6C