



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.25863 of 2019

and

W.M.P(MD)Nos.22372 and 22374 of 2019

N.Ahamed Ansari

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Salai,
Manadi,
Chennai - 01.

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Thanjavur Wakf Zone,
No.27, Neethi Nagar,
Divan Street, Court Road,
Thanjavur.

3.The Superintendent of Police,
O/o.The Superintendent of Police,
Tanjore,
Tanjore District.

4.The Inspector of Police,
Athiramapattinam Police Station,
Pattukottai Taluk,
Tanjore District.

5.Mr.P.Mohammed Ismail

6.M.Jaffar Saddique

7.A.Abdul Malik

8.M.Jafar Sathik

9.P.Syed Mohammed

10.M.Abdul Haleem

11.M.Abdul Razzak

12.K.Siddique

13.M.Haja

Mohaideen

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondent Nos.5 to 13 in lands belonging to the respondent No.1 in Survey No.60/4 to an extent of 1 acre situated at Eripurakarai Village, Pattukottai Taluk, Tanjore District, within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R-1 & R-2	: Mr.S.A.Ajmalkhan
For R-3 & R-4	: Mrs.J.Padmavathi Devi
	Special Government Pleader

ORDER

Mr.S.A.Ajmalkhan, learned standing counsel takes notice for the respondents 1 and 2 and Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondents 3 and 4.

2. In view of the nature of the order going to be passed in this writ petition, notice to R-5 to R-13 is dispensed with.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, seeking a direction to the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 13 on the lands of a Trust known as M.K.N.Trust.

4. It is stated that the above Trust is running a school and it is in possession and control of the Wakf Board and the land in question is used as a playground for the school. While so, the respondents 5 to 13 have encroached the land in Survey No.60/4 situated at Eripurakarai Village, Pattukottai Taluk, Tanjore District and attempting to put up a compound wall. Therefore, the Board of Trustees had given a representation dated 30.10.2019 to the respondents 1 to 4 to remove the encroachments and restore the same to its original position. As there is no action taken, this writ petition is filed.

5. It is seen that Section 54 of the Wakf Act 1995 provides for removal of encroachment from a wakf property.

6. The learned standing counsel appearing for the respondents 1 and 2 also admits the position and seeks three months time for taking action as per Section 54 of the Wakf Act.

7. Accordingly, the respondents 1 to 4 are directed to consider the representation dated 30.10.2019 made by the petitioner after issuing due notice to the private respondents, namely, the respondents 5 to 13 and affording them an opportunity of personal hearing and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.



With the above direction, this writ petition is disposed of.
No Costs. Consequently, connected Miscellaneous Petitions are
closed.

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// True Copy //

Sd/-

Assistant Registrar (co)

Sub Assistant Registrar(CS)

pm

To:

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tanjore,
Tanjore District.

2.The Inspector of Police,
Athiramapattinam Police Station,
Pattukottai Taluk,
Tanjore District.

+1 CC to SPL GP (SR-103573[F] dated 05/12/2019)

+1 CC to Mr.T.LAJAPATHIROY, Advocate (SR-103758[F]dated
06/12/2019)

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