

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.17554/2020

Miss.Habeebunnissa Begum

...Petitioner

Versus

1.The Honourable Chief Executive Officer  
The Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street  
Chennai 600 001.

2.The Superintendent of Wakf  
Tamil Nadu Wakf Board,  
Ice House,  
Chennai 600 005.

3.Syed Kasim Sakaaf

4.Syed Akbar Sakaaf

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to take necessary action on the petitioner's complaint dated 17.10.2020 against the encroachers within the time frame as directed by this Court.

For Petitioner : Mr.Y.Kaja Nivas

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

- (1) The matter in issue pertains to alleged encroachment caused by respondents 3 and 4 and according to the learned counsel for the petitioner, though the said fact has been brought to the knowledge of the 1<sup>st</sup> respondent vide representation dated 17.10.2020, so far no action has been taken and therefore, he is constrained to approach this Court, by filing this writ petition.
- (2) The learned counsel for the petitioner would submit that the petitioner is the President of Dadasha Makkan Wakf and the private respondents are residing at Door No.50, 5<sup>th</sup> Lane, Dadasha Makkan, Strahans Road, Chennai-12 and they illegally encroached upon the Wakf property in S.No.2811/19 without getting any permission from the Wakf and the representation dated 17.10.2020 submitted in this regard, did not invoke any kind of response and therefore, in order to protect the Wakf property, the petitioner, in the capacity as President of the Wakf, came forward to file this writ petition.
- (3) This Court has considered the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.
- (4) Though the petitioner has prayed for a larger relief, this Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner made in his representation dated 17.10.2020 or in this writ petition, directs the 1st respondent to put the petitioner as well as respondents 3 and 4 on notice and thereafter, consider and dispose of the petitioner's representation dated 17.10.2020 on merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as to respondents 3 and 4.
- (5) The writ petition stands disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Chief Executive Officer  
The Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street  
Chennai 600 001.

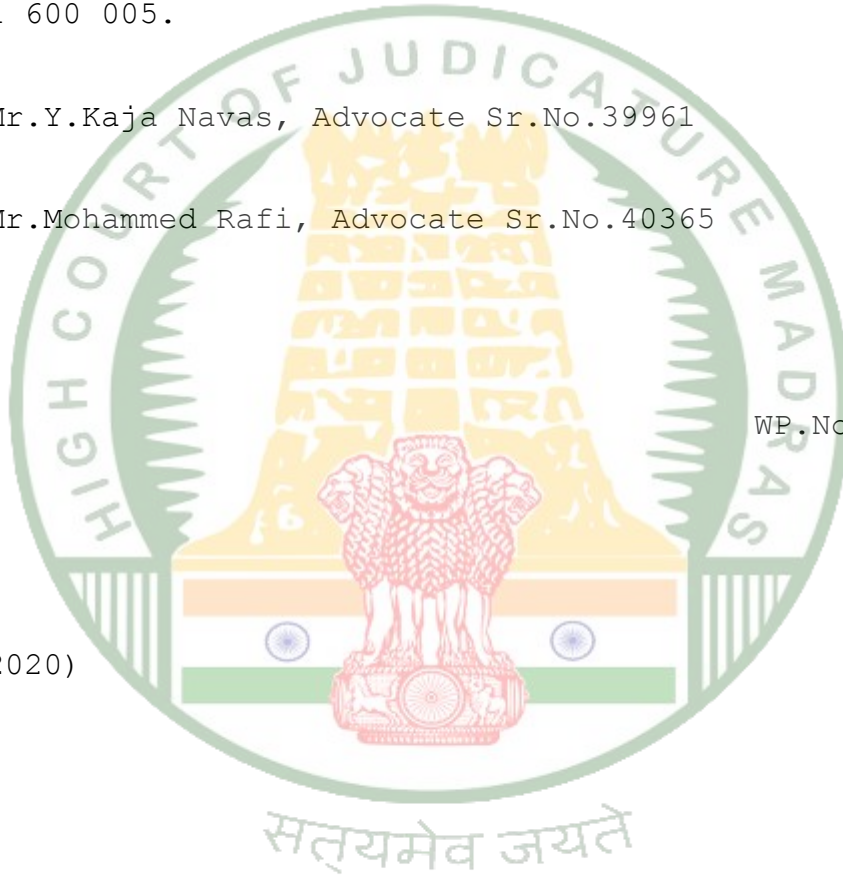
2.The Superintendent of Wakf  
Tamil Nadu Wakf Board,  
Ice House,  
Chennai 600 005.

+2 cc to Mr.Y.Kaja Navas, Advocate Sr.No.39961

+1 cc to Mr.Mohammed Rafi, Advocate Sr.No.40365

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BR(CO)  
RN(22/12/2020)



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