

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.7608 of 2016

Ismail,
Joint President, Muslim Committee,
Masjid E Ayesha and Madrase Islamia Wakf,
Old No.106, New No.127, GNT Road,
Redhills, Chennai-52.

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ambattur.

2.The Tahsildar,
Madhavaram Taluk, Madhavaram.

3.Saran Bi

4.Babu

5.Jaithullah

6.Nagore Meeran

7.Abdul Khader

8.The Village Administrative Officer,
Naravarikuppam Village
Madhavaram, Chennai.

9.The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

10.The District Revenue Officer,
Thiruvallur.

11.The Revenue Divisional Officer,
Ponneri.

... Respondents

(suo moto impleaded as respondents 10 & 11
as per order of this Court dated 07.01.2020)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus to direct the respondents 1 & 2 to pass orders on the representation dt. 29.10.2015 seeking restoration of revenue records as muslim burial ground.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.R.S.Selvam
for R1, R2, R8, R10 & R11
Government Advocate

Mr.M.Anandaraj for R3 to R7 - NA

Mr.Mohamed Fayaz Ali for R9 - NA

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 and 2 to pass orders on the representation dated 29.10.2015, seeking restoration of revenue records as a Muslim burial ground.

2.It is the case of the petitioner that the property comprised in S.No.93/2A Naravarikuppam, measuring 52 cents is a gazetted wakf property and is a muslim burial ground.

3.According to the petitioner, Adangal and revenue records also stands in the name of a muslim burial ground. According to the petitioner, the second respondent has illegally issued a patta to private persons without notice to the wakf and the Wakf Board. Therefore, the petitioner gave a representation seeking for cancellation of the patta and the first respondent has also initiated proceedings dated 25.11.2014, but till date, no final order has been passed by the first respondent. In such circumstances, this writ petition has been filed.

4.Since the District Revenue Officer, Thiruvallur and the Revenue Divisional Officer, Ponneri are the Competent Authorities, suo moto they are impleaded by this Court in this writ petition as party respondent Nos.10 and 11. The Registry is directed to carry out the necessary amendments.

5.Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner, and Mr.R.S.Selvam, learned Government Advocate for the respondents first, second, eight, ten and eleventh. Despite service of notice on all the private respondents and their names having been printed in the cause list today, none appears on

their side.

6.The learned counsel for the petitioner submits that he is satisfied if a direction is given to the concerned respondents to complete the enquiry based on the petitioner's representation for cancellation of the patta issued to private persons illegally without notice to the wakf and the Wakf Board within a time frame to be fixed by this Court. This Court is inclined to grant such an order since no prejudice to caused any of the parties to this writ petition.

7.In the result, this Court directs the District Revenue Officer, Thiruvallur the tenth respondent and the Revenue Divisional Officer, Ponneri the eleventh respondent herein to complete the enquiry proceedings with regard to the representation dated 29.10.2015 made by the petitioner for cancellation of the patta in respect of the aforesaid land measuring 52 cents in S.No.93/2A, Naravarikuppam in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Revenue Divisional Officer,
Ambattur.

2.The Tahsildar,
Madhavaram Taluk, Madhavaram.

3.The Village Administrative Officer,
Naravarikuppam Village
Madhavaram, Chennai.

4.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

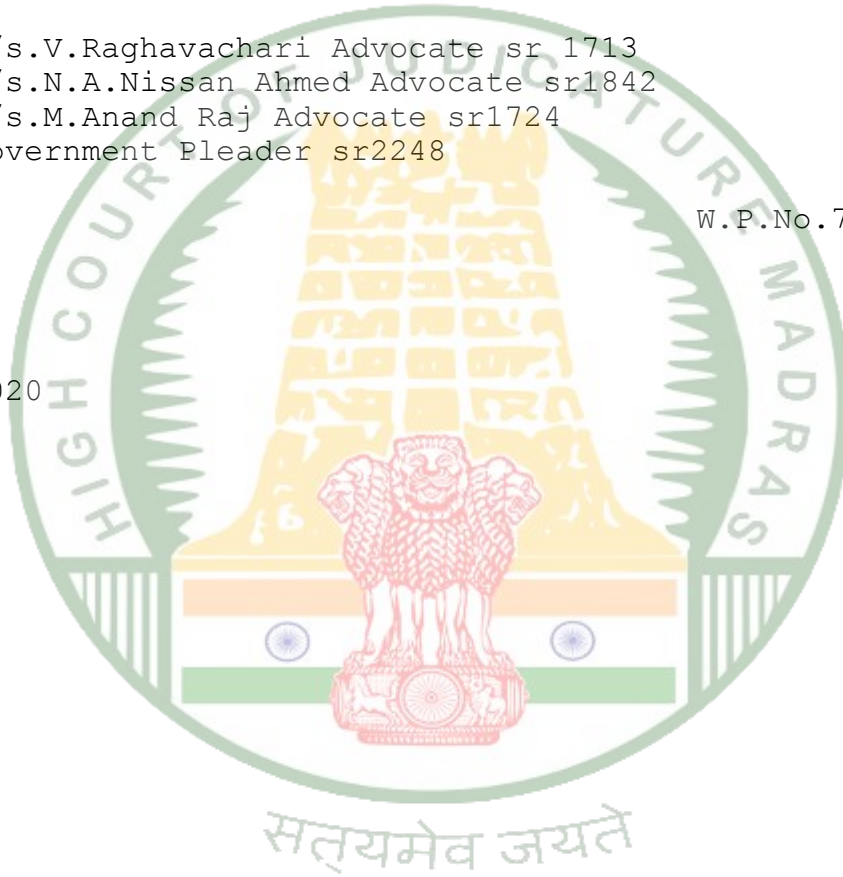
5.The District Revenue Officer,
Thiruvallur.

6.The Revenue Divisional Officer,
Ponneri.

+1cc to M/s.V.Raghavachari Advocate sr 1713
+1cc to M/s.N.A.Nissan Ahmed Advocate sr1842
+1cc to M/s.M.Anand Raj Advocate sr1724
+1cc to Government Pleader sr2248

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