

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.9691 of 2017

M.Javed Ali

... Petitioners

Vs.

State rep by its

- 1.The Principal Secretary,
Backward and Most Backward, Minorities Department,
St.George Fort, Chennai.
 - 2.The Land Administrative Commissioner,
Chepauk, Chennai - 5.
 - 3.The District Collector,
District Collectorate Office,
Villupuram District.
 - 4.The District Revenue Officer,
District Collectorate Office Campus,
Villupuram.
 - 5.The Tahsildar,
Tahsildar Office,
Gingee, Villupuram District.
 - 6.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai - 1.
 - 7.The Superintendent of Wakfs,
Villupuram & Cuddalore District,
No.512, Gandhi Street, Panruti,
Villupuram District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 3 to 5, particularly 5th respondent to issue patta in favour of the petitioner's wakf name for the lands in S.No.59/1 to the extent of 2.69.0, Sittampondi Village, Gingee Taluk and S.S.No.79 to the extent of 5.57.0 hectares to the extent of 2.69.0 hectares, Sirukadambur Village, Gingee Taluk considering the 7th

respondent proceeding in Na.Ka.No.200&201/
sa.va.ka./ka.sa/2015 dated 28.07.2015.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents: Ms.A.Madhumathi,
Special Government Pleader
(R1 to R5)
Mr.V.Lakshminarayanan (R6 & R7)

O R D E R

The petitioners have filed the above Writ Petition to issue a writ of mandamus directing the respondents 3 to 5 to issue patta in favour of the petitioner's wakf name for the lands in S.No.59/1 to the extent of 2.69.0, Sittampondi Village, Gingee Taluk and S.S.No.79 to the extent of 5.57.0 hectares to the extent of 2.69.0 hectares, Sirukadambur Village, Gingee Taluk considering the 7th respondent proceeding dated 28.07.2015.

2.On a perusal of the materials available on record, it could be seen that the 7th respondent had recommended to the 5th respondent, by his letter dated 28.07.2015, to issue patta in the name of the petitioner's Wakf. Though the recommendation was made as early as on 28.07.2015, since the 5th respondent has not passed any order, the petitioner has come forward to file the present Writ Petition.

3.Mr.V.Lakshminarayanan, learned counsel appearing for the respondents 6 and 7 submitted that though the 7th respondent had recommended for issuance of patta as early as on 28.07.2015, the 5th respondent has not issued the patta so far.

4.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the 5th respondent may be directed to consider the 7th respondent's letter dated 28.07.2015 and pass orders in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, I direct the 5th respondent to consider the letter of the 7th respondent dated 28.07.2015 and pass orders, on merits and in accordance with law, after giving opportunity of hearing to all the interested

parties, including the respondents 6 and 7. The parties are at liberty to produce all the relevant documents before the 5th respondent. Thereafter, the 5th respondent shall pass orders in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6. With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Backward and Most Backward, Minorities Department,
St. George Fort, Chennai.
2. The Land Administrative Commissioner,
Chepauk, Chennai - 5.
3. The District Collector,
District Collector Office,
Villupuram District.
4. The District Revenue Officer,
District Collector Office Campus,
Villupuram.
5. The Tahsildar,
Tahsildar Office,
Gingee, Villupuram District.
6. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai - 1.
7. The Superintendent of Wakfs,
Villupuram & Cuddalore District,
No. 512, Gandhi Street, Panruti,
Villupuram District.

+1cc to Mr. V. Ragavachari, Advocate, S.R.No. 24960

+1cc to the Government Pleader, S.R.No. 25051

W.P.No. 9691 of 2017

(CO)

CB(28/07/2020)