



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14774 of 2020

and

W.M.P. (MD)No.12429 of 2020

S.Abubakkar

... Petitioner

-Vs-

The Tahsildar,
Madurai South Taluk, Madurai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding No.2020/0103/24/115384, dated 14.09.2020 on the file of the respondent and quash the same and consequently, direct the respondent to issue patta in the name of Puliyankulam Kanmiyan Sahib Darga Wakf on the basis of the application dated 07.02.2020 by considering the gift deed dated 05.01.2016.

For Petitioner	: Mr.G.Karnan
For Respondent	: Mr.P.Kannithevan, Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition to quash the impugned order passed by the respondent dated 14.09.2020 as illegal and direct the respondent to issue patta in the name of Puliyankulam Kanmiyan Sahib Darga Wakf on the basis of the application dated 07.02.2020 by considering the gift deed dated 05.01.2016.

2.According to the petitioner, he is a member of Puliyankulam Kanmiyan Sahib Darga Wakf. One Abdul Pari has encroached the property in S.No.31/1 in Puliyankulam Village, Madurai District to the extent of 1 acre 10 cents, which belongs to Pallivasal and got patta in Patta No.11. After knowing the same, the petitioner has given a criminal complaint before the Wakf Boad, Chennai. On enquiry, it is found that the said property belongs to Pallivasal. Therefore, the said Abdul Pari has executed a Gift Deed dated 05.01.2016 in favour of



Puliyankulam Kanmiyan Sahib Darga Wakf. The petitioner has also given representation dated 07.02.2020 through online to the respondent for transfer of patta in the name of Puliyankulam Kanmiyan Sahib Darga Wakf and paid necessary charges for the same. However, the respondent without conducting any enquiry, has passed the impugned order dated 14.09.2020 for the reason that this land belongs to Tamil Nadu Wakf Land. But the petitioner is private individual, so rejected Hence, the petitioner has approached this Court seeking aforesaid prayer.

3. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondent submitted that the respondent is willing to give an opportunity to the petitioner to produce necessary records for issuance of patta in the name of Puliyankulam Kanmiyan Sahib Darga Wakf. If he produces necessary documents and the same is genuine, the request of the petitioner would be considered. However, no patta can be issued in the name of the petitioner.

4. In view of the submission made by the learned Additional Government Pleader appearing for the respondent, the impugned order dated 14.09.2020 is set aside and the matter is remitted back to the respondent to decide the same afresh without being influenced by the earlier order. Any observation touching the merits of the Writ Petition is only for the disposal of the Writ Petition and the respondent is entitled to decide the matter in accordance with law, within a period of 90 days from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

MYR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



W.P.(MD)No.14774 of 2020

To

The Tahsildar,
Madurai South Taluk,
Madurai.

WEB COPY

Order made in
W.P. (MD) No. 14774 of 2020
05.11.2020

CK (CO)
KM (11.11.2020) 3P 2C