



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15258 of 2020

Mohaideen Andavar Jimma Pallivasal Jamath,
Represented through its Secretary,
N.Abbas,
Thamarai Patti, Thumbaipatti Village,
Melur Taluk, Madurai District.

... Petitioner

-Vs-

1.The Superintendent of Wakfs,
Tamil Nadu Wakf Board,
Southern Zone, Town Hall Road,
Madurai.

2.The District Collector,
Office of the District Collector,
Madurai-20.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Oothakadai, Madurai.

4.The Tahsildar,
Office of the Melur Taluk Office,
Melur Taluk, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 3 and 4 to grant patta to the petitioner's Wakf name for lands in S.No.480/23 & 480/24 in Thamarapatti Village, Thumbaipatti, Melur Taluk, Madurai District to the extent of 007.15.0 by considering the petitioner's representation dated 28.08.2020 based on the fourth respondent's recommendation report dated 24.10.2016 in Na.Ka.No.6453/2016/B2.

For Petitioner	: Mr.S.J.Chakkkaravarthy
For R1	: Mr.K.K.Senthil
For R2 to R4	: Mr.K.P.Krishnadoss, Special Government Pleader.



ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents 3 and 4 to grant patta to the petitioner's Wakf name for the lands in S.No.480/23 & 480/24 in Thamarapatti Village, Thumbaipatti, Melur Taluk, Madurai District to the extent of 007.15.0 by considering the petitioner's representation dated 28.08.2020 based on the fourth respondent's recommendation report dated 24.10.2016 in Na.Ka.No.6453/2016/B2.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.K.Senthil, learned counsel accepts notice on behalf of the first respondent and Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents 2 to 4.

4.According to the petitioner, one Gulam Maideen Rowther was in possession and enjoyment of the property in Survey Nos.480/23 & 480/24 in Thamarapatti Village, Thumbaipatti, Melur Taluk, Madurai District to the extent of 007.15.0. Thereafter, the above said property was endowed and given as a wakf for religious and charitable purpose and patta was granted in favour of Muthavalli for the time being of the said wakf. In the year 1988, the son of said Gulam Mohaideen Rowther, namely, Abdul Kasim had applied for registration of the said Mosque under the Tamil Nadu Wakf Board and the Secretary of Tamil Nadu Wakf Board had accepted the application and registered the same by order dated 13.10.1988. Thereafter on 29.08.2016, the petitioner has given a representation to the second respondent and the same was forwarded to the fourth respondent. On receipt of the same, the fourth respondent has inspected the petition mentioned property and submitted a report dated 24.10.2016 to the second respondent. Since no effective steps have been taken, the petitioner has given representation dated 28.08.2020 to the respondents 2 to 4 to grant patta in favour of the petitioner's Mosque based on the fourth respondent recommendation report, dated 24.10.2016. However, so far no action has been taken. Hence, the petitioner has approached this Court seeking aforesaid prayer.

5.This Court, without going into the merits of the case, directs the respondents 2 to 4 to consider the representation of the petitioner dated 28.08.2020, on merits and in accordance with law, after affording opportunity to the parties, who are likely to be affected and take a decision, within a period of 120 days from the date of receipt of a copy of this order.



6. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

To

- 1.The District Collector,
Office of the District Collector,
Madurai-20.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Oothakadai, Madurai.
- 3.The Tahsildar,
Office of the Melur Taluk Office,
Melur Taluk, Madurai District.

+1 CC to M/s.S.J. CHAKKKARAVARTHY, Advocate (SR-21185[F] dated 04/11/2020)

+1 CC to M/s.GP (SR-21318[F] dated 05/11/2020)

Order made in

W.P. (MD)No.15258 of 2020

04.11.2020

CK(CO)

TR(11.11.2020) 3P 6C