

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.20424 of 2020
and WMP.No.25205 of 2020

E.Khader Sheriff

... Petitioner

Vs.

1.The Tahsildhar
Tondiarpet Taluk
Chennai.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent vide proceedings dated 04.09.2020 made in Na.Ka.No.B2/830/2020 and quash the same and consequently direct the first respondent to issue patta in the name of Sheik Fareed @ Babu Husra Wakf in respect of the property comprised in S.No.3126, bearing Door No.1, Block No.0047, Sheik Maistry Street, Tondiarpet Taluk, Ward No.001, Chennai.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents: Mr.E.Balamurugan

Special Government Pleader for R1

Mr.V.Lakshmi Narayanan for R2

ORDER

The present petition is filed seeking a direction to quash the proceedings of the first respondent/Tahsildar in Na.Ka.No.B2/830/2020 dated 04.9.2020. The petitioner had earlier preferred a petition for issuing patta to the property comprised in S.No.3126, with a building bearing Door No.1, Block No.0047 in Sheik Maistry Street, Tondiarpet Taluk, Chennai. The first respondent Vide the impugned proceedings has rejected the same since the property stands in the name of the Wakf.

Thereafter, he has filed the present writ petition for quashing the same for issuing patta in the name of the Wakf, which goes by the name Sheik Fareed Babu Husra Wakf.

2. Heard Mr.K.A.Nissar Ahmed, learned counsel for the petitioner, Mr.E.Balamurugan, learned Special Government Pleader for the first respondent and Mr.V.Lakshmi Narayanan, learned counsel for the second respondent.

3. Mr.E.Balamurugan, learned Special Government Pleader appearing for the first respondent made a statement on instructions that, earlier the petitioner has preferred a writ petition in W.P.No.10797 of 2020 to consider his online application dated 09.12.2019, wherein this Court Vide its order dated 18.08.2020, has directed the first respondent/Tahsildar to consider the representation of the petitioner for issuance of patta. The prayer in that writ petition essentially requires the Tahsildar to issue patta in the name of the petitioner and not in the name of the Wakf, and it is for this reason, the petitioner's application for issuance of patta came to be rejected Vide impugned proceedings.

4. So far as the need for issuing certiorari is concerned, the order of the first respondent/Tahsildar, Tondiarpet Taluk, is correct in the context of the prayer and the representation made, which is the subject matter of W.P.No.10797 of 2020. Now, the petitioner appropriately makes a right prayer and wants issuance of patta in the name of the Wakf. For this, no application is pending before the first respondent.

5. In these circumstances, this writ petition is disposed of with a direction to the petitioner to file a fresh application with correct material particulars and prayer to the first respondent, if he is so desirous. As and when this application is so filed, the first respondent is required to dispose of the same through a speaking order within a period of twelve (12) weeks from the date of receipt of the application, in accordance with law. The first respondent is also required to issue notice to the second respondent (Chief Executive Officer, Tamil Nadu Wakf Board, Chennai-600 001).

6. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Tahsildhar
Tondiarpet Taluk
Chennai.

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

+1 cc to The Government Pleader, Sr.No. 4352

+1 cc to M/s.N.A.Nissan Ahamed , Advocate Sr.No. 4387

W.P.No.20424 of 2020

JP (CO)
RMP (17/02/2021)



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