

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.19484 of 2017
and
W.M.P.No.21032 of 2017

S.Syed Noushath
S/o.Syed Sahibjhan

...Petitioner

Vs.

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

2.The District Collector,
Villupuram District.

3.The District Revenue Officer,
Villupuram District.

4.The Tahsildar,
Tahsildar Office,
kallakurichi,
Villupuram District.

...Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 2 to 4 from any manner interfering with the peaceful possession and enjoyment of the petitioner wakf in Survey No.12 Sithalur Village, Kallakurichi Taluk, Villupuram District admeasuring 17 acres and 88 cents.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents: M/s.A.Madhumathi

Special Government Pleader
for R2 to R4

Mr.V.Raghavachari for R1

ORDER

The writ petition has been filed for issuing a Writ of Mandamus, forbearing the respondents 2 to 4 from any manner interfering with the peaceful possession and enjoyment of the

petitioner wakf in Survey No.12 Sithalur Village, Kallakurichi Taluk, Villupuram District.

2.In the affidavit filed in support of the writ petition, it is stated that the petitioner is the Muthawalli of the Wakf which is the owner of 17 acres and 88 cents of land in Sithalur Village. The above writ petition is filed apprehending interference from the respondents 2 to 4 with the peaceful possession and enjoyment of the said property.

3.The learned counsel for the respondents Wakf Board and the official respondents states that a school has been constructed by the Government in a portion of the property. It is further stated that there is a dispute with regard to tittle.

4.This Court cannot to entertain the writ petition as a Civil Suit granting permanent injunction in favour of the petitioner. Having regarding to the nature of pleading and the fact that the dispute is relating to tittle and possession, it will be appropriate to get the dispute resolved by Civil Court. Therefore, the petitioner can approach the Civil Court and establish his right for getting a declaration and injunction in the manner known to law. The submission of the respondent that the property is not a property of the wakf board and a school has been constructed by the respondent is recorded. Subject to the right preserved to the petitioner to approach the Civil Court or Wakf Tribunal for getting proper relief, this writ petition is closed. No Costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tta

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

2.The District Collector,
Villupuram District.

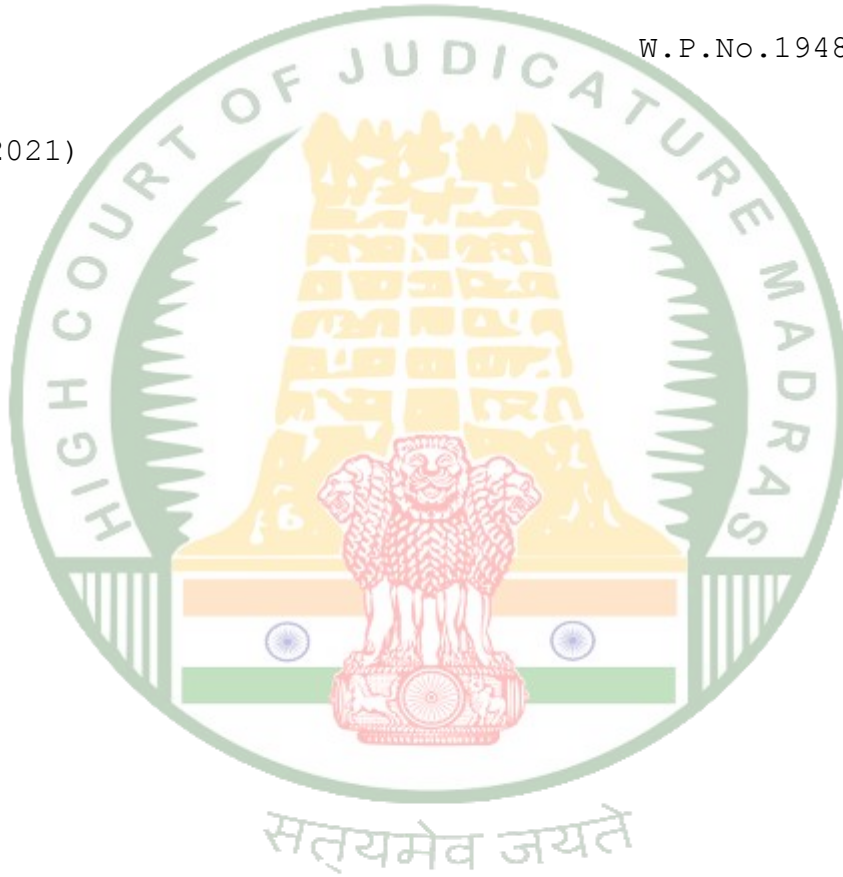
3.The District Revenue Officer,
Villupuram District.

4.The Tahsildar,
Tahsildar Office,
kallakurichi,
Villupuram District.

+1 CC to The Government Pleader sr 5187
+1 CC to Mr.N.A.Nissar Ahmed, Advocate sr 5180.

W.P.No.19484 of 2017

PA (CO)
SP(09/03/2021)



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