



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.34729 of 2019

H. Mohammed Sajath

... Petitioner

Versus

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

2.Syed Akthar Hussain

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation dated 05.12.2019 seeking to remove encroachment made by the second respondent in the wakf property in R.S.No.2811/30 measuring 105 Sq.ft. Dargah Street, Dadashamakkan, Chennai-12 invoking the provisions of Section 54 of the Wakf Act 1995.

For Petitioner : Mr. N. A. Nissar Ahmed

For R1 : Mr. H. Yaseen Ali

For R2 : Mr. Y. Kaja Navas

ORDER

Seeking a mandamus directing the first respondent to consider the representation dated 05.12.2019 with respect to removal of encroachment made by the second respondent in the wakf property in R.S.No.2811/30 measuring to an extent of 105 Sq.ft. situated at Dargah Street, Dadashamakkan, Chennai-12 invoking Section 54 of the Wakf Act 1995, the petitioner has come up with this writ petition.

2.According to the learned counsel for the petitioner, the



petitioner is the Secretary of the wakf, namely Dadashamakkan Wakf, which is under the supervisory control of Tamil Nadu Wakf Board. It is the case of the petitioner that the second respondent had encroached the subject property of the Wakf and created non-est documents. Hence, he made a representation dated 05.12.2019 to the first respondent requesting to removal of such encroachment. Finding no response on the said representation, the petitioner is before this Court with the present writ petition.

3. On the other hand, the learned counsel for the first respondent fairly submitted that the first respondent would consider the representation of the petitioner and pass orders, on merits within a time frame to be stipulated by this court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the first respondent to consider the representation dated 05.12.2019 submitted by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the second respondent, within a period of eight weeks from the date of receipt of copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gbi

To

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

+1cc to Mr.*, Advocate, S.R.No.38128

W.P.No.34729 of 2019

KSM(CO)
CT(24/09/2021)