



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 11368 of 2011

M.Javid Ali

...Petitioner

Versus

1. The District Collector  
Villupuram District.
2. The Tahsildar  
Gingee.
4. The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
No.1, Jaffar Sirang Street, Seethakathi Nagar  
Chennai-1.
5. The Superintendent of Wakf,  
Villupuram and Cuddalore District,  
No.512, Gandhi Street,  
Panruti, Cuddalore District.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus direction to the respondents to remove the encroachments in Survey Nos.23/1 - 10.40 acres, 31/2 - 1.31 acres, Dry S.No.39 - 20.82 acres, Dry S.No.61 - 4.74 acres, Dry S.No.63 - 2.89 acres, Dry S.No. 64- 2.90 acres, Dry S.No.116/3 - 4.71acres, Dry S.No.86/1 - 1.51 acres, Dry S.No.86/17 - 0.50 cents totaling 37.26 acres of dry lands and 11.71, acres of wet lands at Pallapattu village, Gingee Taluk, Villupuram taluk under sections 51, 52, 54 and 55 of the Wakf act 1955.

For Petitioners : Mr.N.Suresh

For Respondents : Mr. M.Murali

Government Advocate



## ORDER

The petitioner has filed this writ petition seeking direction to the respondents to remove the encroachments in Survey Nos.23/1 - 10.40 acres, 31/2 - 1.31 acres, Dry S.No.39 - 20.82 acres, Dry S.No.61 - 4.74 acres, Dry S.No.63 - 2.89 acres, Dry S.No. 64- 2.90 acres, Dry S.No.116/3 - 4.71 acres, Dry S.No.86/1 - 1.51 acres, Dry S.No.86/17 - 0.50 cents totaling 37.26 acres of dry lands and 11.71, acres of wet lands at Pallapattu village, Gingee Taluk, Villupuram taluk under sections 51, 52, 54 and 55 of the Wakf act 1955.

2. The case of the petitioners is that he is the Hereditary Muthavalli of Thaika Wakf, Sittampoondi at Pallapattu Village. The Wakf is a notified wakf by the then Chairman of Madras State Wakf Board under Sub Sections 2 & 5 of Muslims Wakf Act 1974. The Wakf has been created for the purpose of giving food to the Fakirs and maintaining a Takkla in Sittampoondi Village. That being the case, the respondents 3 & 4 have encroached the wakf property. Hence, the petitioner made several representation to the respondents for the removal of encroachment and also issued legal notice to the respondents.

3. The learned counsel for the petitioner submitted that this Court may issue a directions to the respondents 1 & 2 to remove the encroachments, which was owned by the Wakf, within a period of twelve weeks from the date of receipt of a copy of this order.

4. The learned Government Advocate appearing for the Respondents 1 & 2 submitted that the representation of the petitioner will be considered and orders will be passed within the time frame as fixed by this Court.

5. Heard the counsel for the Petitioner and the learned Government Advocate for the Respondents and perused the materials placed on record.

6. Considering the facts and circumstances of the case and considering the positive submission made on either side, this Court hereby directs the petitioner to make a fresh representation to the Respondents 1 & 2 along with all the relevant documents and also a copy of this order within a period of two weeks from the date of receipt of a copy of this order. After receipt of such application, the respondents shall consider the representation and pass appropriate orders on



merits and in accordance with law within a period of twelve weeks, thereafter.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Collector  
Villupuram District.
2. The Tahsildar  
Gingee.

+1 CC to The Government Pleader sr 8685

W.P. No. 11368 of 2011

PCH(CO)  
SP(10/03/2022)