



W.P. No.7876 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.7876 of 2010
and M.P.Nos.1 & 2 of 2010

Jumma Pallaivasal

.. Petitioner

Vs.

1. Tamil Nadu Wakf Board,
Rep. By its Executive Officer,
Jaffar Sarang Street,
Vallal Seethapathy Nagar,
Behind Custom House, Chennai-1.

2. Kanaga Sabai

3. Shanmugam

4. Govindaraj

5. R.Ravi

6. The Executive Officer,
Kallakurichi Municipality,
Kallakurichi.

7. R.M.Siraj
R7 is impleaded as per the order dated
06.10.2016 vide MP.No.1 of 2012

.. Respondents



W.P. No.7876 of 2010

Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the first respondent to take action in accordance with the Wakf Act, to remove the encroachment in the wakf property namely in shop Nos.11,10,10A in Salem Main Road (Kizh Agraharam) Kallakurichi comprised in Old Survey No,291/1 in New Survey Nos.425/2, 425/1B and 425/a! Deliver possession to the Wakf in accordance with law.

For Petitioner : Mr. K.Moorthy

For Respondent : Mr. *L.S.M.Hasan Fizal* R1
Mr.A.N.Arun RR2,3,5,7 and 9

ORDER

The petition is filed by the Mutawalli, seeking direction to the first respondent to remove the encroachment in the wakf property, which was allegedly made by the private respondents.

2. The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to conduct enquiry with regard to the encroachment of the Wakf property and pass appropriate orders within the reasonable time as fixed by this Court.



W.P. No.7876 of 2010

3. The learned counsel for the first respondent submitted that in respect of the very same dispute, the adjoining persons have filed a petition before the first respondent and after enquiry, the first respondent passed order on 10.06.2019. As against which, the private respondents has been preferred appeal in O.A.No.367/2019 before the Wakf Tribunal. The order of the first respondent dated 10.06.2019 will applicable to the petitioner also. Hence, the learned counsel prays to dismiss the writ petition.

4. Heard, learned counsel for the petitioner, as well as the learned counsel for the first respondent and the learned counsel appearing on behalf of the private respondents and perused the materials available on records.

5. In view of the above submission made by the learned counsel for the first respondent, this Court directs the first respondent to communicate the order dated 10.06.2019 to the petitioner to enable him to file appeal before the Wakf Tribunal within a period of four weeks from the date of receipt of a copy of this order.



W.P. No.7876 of 2010

WEB COPY

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

28.02.2022

Index : Yes
Internet : Yes

Rli

To

Tamil Nadu Wakf Board,
Rep. By its Executive Officer,
Jaffar Sarang Street,
Vallal Seethapathy Nagar,
Behind Custom House, Chennai-1.



WEB COPY



W.P. No.7876 of 2010

M.DHANDAPANI, J.

rli

W.P. No.7876 of 2010

28.02.2022