



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.4839 of 2020
and W.M.P.No.5723 of 2020

H.Meer Asgar Ali

.. Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Rep. By its Chairman,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

3.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Vellore Region,
Vellore.

4.The Wakf Inspector,
Tamil Nadu Wakf Board,
Vellore Region,
Vellore.

5.Basha Jathi Begum

6.Meer Mukthar Ali

7.Arumugam

8.Meer Alisher

9.Meer Murtuza Hussain

10.Palaraman

11.Saliya Bhagam

.. Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 & 2 to take appropriate action to retrieve the Wakf lands i.e., shop premises in S.Nos.396 and 502 of Pasumathur Village, Katpadi Taluk, Vellore District and situate at Door Nos.141/1, 142/1, 143/1, 144/1, 145/1, Bus stand Main Road, Pasumathur Post, Katpadi Taluk, Vellore District and also at Eswaran Koil (Opp) Gangai Amman Koil Backside (Land Mark) Pasumathur Post, Gudiyatham Taluk, Vellore District, which are run by the respondents 5 to 11 as per the provisions of the Wakf Act, 1995 as amended up to date and also as per the Wakf Properties Lease Rules, 2014 by considering the petitioner's representations dated 06.03.2019, 09.05.2019 and 12.12.2019.

For Petitioner : Mr.R.Rajeshkrishnan
for Mr.A.Ilayaperumal

For RR1 to 4 : M/s.Rajeswari Karthikeyan

For RR5, 6 & 9 : Mr.M.V.Vijayabaskar

For RR7, 8 & 10: No appearance

R11 : Notice Not Ready

O R D E R

(The matter is heard through 'video conferencing/hybrid mode')

This Writ Petition is filed seeking a direction to the respondents 1 & 2 to take appropriate action to retrieve the Wakf lands i.e., shop premises in S.Nos.396 and 502 of Pasumathur Village, Katpadi Taluk, Vellore District, situate at Door Nos.141/1, 142/1, 143/1, 144/1, 145/1, Bus stand Main Road, Pasumathur Post, Katpadi Taluk, Vellore District and also at Eswaran Koil (Opp) Gangai Amman Koil Backside (Land Mark) Pasumathur Post, Gudiyatham Taluk, Vellore District, which are run by the respondents 5 to 11 as per the provisions of the Wakf Act, 1995 as amended up to date and also as per the Wakf Properties Lease Rules, 2014 by considering the petitioner's representations dated 06.03.2019, 09.05.2019 and 12.12.2019.

2.According to the petitioner, he is a Hereditary Muthawalli of Pasumathur Ashur Khana Shia Wakf and Shia Masjid Wakf situated at Door No.153/1, Mosque Street, Pasumathur, Katpadi Taluk, Vellore District - 635 803, under the control of



Wakf Board. The said Pasumathur Ashur Khana Shia Wakf and Shia Masjid Wakf own several properties of land and there are several shops available in the land in Survey Nos.396 and 502 of Pasumathur Village. The shops are available in Door Nos.141/1, 142/1, 143/1, 144/1 and 145/1, Bus Stand Main Road, Pasumathur Post, Katpadi Taluk, Vellore District and also at Eswaran Koil Street, Gangai Amman Koil Backside (Land Mark) Pasumathur Post, Katpadi Taluk, Vellore District. While so, the 5th respondent encroached the Wakf property and sold the Wakf property illegally to third parties. The 5th respondent also filed a suit in O.S.No.218 of 2010 on the file of the District Munsif Court, Katpadi. The suit was partly decreed by granting permanent injunction in respect of Item Nos.1 and 2 of the suit schedule properties and the suit in respect of properties in Item Nos.3 to 5 was dismissed. The appeal filed by the petitioner in A.S.No.18 of 2019 was dismissed on 14.11.2019. The Second Appeal filed by the petitioner is pending before this Court. As per the decree and judgment passed in the suit and First Appeal, the petitioner is entitled to collect the rent from the tenants/respondents 6 to 11, but they failed to pay the rent. In such circumstances, the petitioner made a representation to the 2nd respondent to take action against the respondents 5 to 11 through Wakf Inspector, Vellore Range. Since no action was taken, the petitioner has come out with the present Writ Petition.

3.The learned counsel appearing for the respondents 1 to 4 submits that the 2nd respondent called for report from the 4th respondent. On receiving the report, the representation of the petitioner will be disposed of within the time frame fixed by this Court.

4.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 1 to 4 and respondents 5, 6 & 9 and perused the entire materials available on record. Though notice has been served on the respondents 7, 8 & 10 and their names are printed in the cause list, there is no representation for them either in person or through counsel.

5.Considering the above materials and submissions of the learned counsel appearing for the respondents 1 to 4, without deciding the issue on merits, the respondents 1 and 2 are directed to dispose of the representation of the petitioner dated 06.03.2019 and pass orders on merits and in accordance with law, after hearing the petitioner and respondents 5 to 11, within a period of eight weeks from the date of receipt of a copy of this order.



With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

gsa

To

- 1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 3.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Vellore Region,
Vellore.
- 4.The Wakf Inspector,
Tamil Nadu Wakf Board,
Vellore Region,
Vellore.

+1cc to Mr.A.Ilayaperumal, Advocate SR.No.12686

+1cc to M/s.Rajeswari Karthikeyan, Advocate SR.No.12640

W.P.No.4839 of 2020

EV(CO)