



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.11923 of 2018

Asgar Ali

... Petitioner

-vs-

1.The Revenue Divisional Officer
Collectorate Office, Sathuvacheri
Vellore.

2.The Tahsildar
Vellore Taluk
Vellore.

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

4.The Superintendent of Wakf
Vellore Zone
No.8, Bahadur Shah Masjid
Sainandapuram, Vellore - 1.

5.Madrassa-E-Rasheedia Committee
Vellore, Represented by its Secretary
Surutukara Street, Saidapet, Vellore Town
Vellore District.

6.J.Ejaz Ahmed
(R4T to 6 are impleaded as per order
dated 03/07/2018 by MSNJ in MP NO.11923/2018)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 & 2 to dispose of the petitioners representation dated 13.03.2018 seeking to comply with the directions of the 3rd respondent's proceedings dated 20.01.2010.

For petitioner : Mr.N.A.Nissar Ahmed

For respondents: Mr.R.Siddharth,
Government Advocate for RR1 & 2



WEB COPY

Mr.V.Lakshminarayanan
for RR3 &4
Ms.A.Ajimath Begam for RR5&6

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

We have heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner; Mr.R.Siddharth, learned Government Advocate appearing for the respondents 1 and 2; Mr.V.Lakshminarayanan, learned counsel appearing for the respondents 3 and 4 and Ms.Ajimath Begum, learned counsel appearing for the respondents 5 and 6.

2.The petitioner has filed this writ petition for issuance of writ of mandamus directing the respondents 1 and 2 to dispose of his representation dated 13.03.2018, which was submitted to comply with the directions of the 3rd respondent's proceedings dated 20.01.2010.

3.It appears that the Chief Executive Officer of Tamil Nadu Wakf Board by order dated 10.11.2009 in No.9170/09/C2/VLR directed the respondents 5 and 6 to vacate the subject property. The order of the Chief Executive Officer, Tamil Nadu Wakf Board reached finality, after the dismissal of the C.R.P.(NPD).No.675 of 2013. When the matter was listed on 05.07.2020, this Court has passed the following order.

"The proceedings declaring the Private Respondents as encroachers has attained finality by dismissal of C.R.P.(NPD).No.675 of 2013. Though the original proceedings have been initiated as early as 2009 before the Sub-Court, Vellore in O.S.No.207 of 2009 and the matter reached finality on 22.02.2019 and two years of time got elapsed, the Learned Counsel appearing for the Private Respondents seeks 6 weeks time.

2.However, the same would be considered by this Court on filing an affidavit by the Private Respondents undertaking not to create any encumbrance or any third party interest in the subject property or initiate any other proceedings with regard to that property and mentioning the date on which they will vacate property/premises."

4.The learned counsel appearing for the petitioner would state that despite earlier order of this Court, no undertaking affidavit has been filed by the respondents 5 and 6.



5.The learned counsel appearing for the respondents 5 and 6 submitted that the Secretary of the Madrasa, died and hence, affidavit has not been filed.

6.Considering the facts and circumstances of this case, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 13.03.2018 and take appropriate action in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7.With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Jer

To
1.The Revenue Divisional Officer
Collectorate Office, Sathuvacheri
Vellore.

2.The Tahsildar
Vellore Taluk
Vellore.

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

4.The Superintendent of Wakf
Vellore Zone
No.8, Bahadur Shah Masjid
Sainandapuram, Vellore - 1.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.1791
+1cc to the Government Pleader, S.R.No.1956

W.P.No.11923 of 2018

KV(CO)
CT 15/02/2022