



WEB COPY



W.P. No. 18131 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 18131 of 2022

and

W.M.P. No. 17467 of 2022

Syed Moinuddin

... Petitioner

-VS-

1. The Regional Director
Municipal Administration Office of
Regional Director
Sharadhi Nagar, Kakitha Pattarai
Sathuvachari – 2
Vellore District.
2. The Municipal Commissioner
Municipal Office
Gudiyatham
Vellore District.
3. The Chairman
Gudiyatham Municipality Office
Gudiyatham Municipality
Gudiyatham
Vellore District.
4. Syed Shah Vajiyuddin Avuliya Mosque and Durga
Rep. by its Muthavalli S.Y.Sowkath Ali
Thalayatham
Gudiyatham, Vellore District.
(R4-impleaded vide order dated
08.09.2022 made in W.M.P. No. 18212 of
2022 in W.P. No. 18131 of 2022)

... Respondents



W.P. No. 18131 of 2022

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from interfering with the Petitioner's trust property bearing Town Survey No. 792 with an extent of 17.83 acres new survey No.792/5, Survey No. 792/6A1 with an extent of 13.89 acres of Gudiyatham Town by forming road, drainage canals, water connection and other amenities to the encroachers without due process of law.

For Petitioner	:	Mr. D.Rajagopal
For Respondents	:	Ms. R.L. Karthika, Government Advocate (for R1)
		Mr. P.Srinivas (for R2 & R3)
		Mr. K.Mohanmurali (for R4)

ORDER

Heard Mr. D.Rajagopal, Learned Counsel for the Petitioner, Ms. R.L.Karthika, Government Advocate appearing for the First Respondent, Mr. P.Srinivas, Learned Counsel for the Second and Third Respondents and Mr. K.Mohanmurali, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. It is the case of the Petitioner that certain properties in Gudiyatham Town belong to the Waqf of the Fourth Respondent, which is illegally occupied by the encroachers and that the Second and Third Respondents should not grant any amenities to them by forming road, drainage canals and water connection etc., but the Chief Executive Officer, Tamil Nadu Waqf Board, Chennai by Letter in Na. Ka. No. 8389/95/Aa7/Ve dated 23.08.2021 to the Second Respondent has stated that there is no objection for extending such amenities. In that backdrop, this Writ Petition has been filed to forbear the Respondents from interfering with the said properties of the Fourth Respondent.

3. The Second Respondent has filed an affidavit dated 18.10.2022 stating that since the said lands are not vested with it by way of gift or by way lay-out, it is not in a position to provide the said amenities in the said property, though it is otherwise willing to extend the same. In such circumstances, nothing remains for further consideration in the Writ Petition, but it would not preclude any of the parties from working out their rights for necessary relief before the proper forum in accordance with law.



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In fine, the Writ Petition is disposed with the aforesaid observations.

Consequently, the connected Miscellaneous Petition is closed. No costs.

19.10.2022

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Index: Yes/No

Note: Issue order copy by 04.11.2022.

To

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P.D. AUDIKESAVALU, J.

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