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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.21446 OF 2014

AND

M.P.NO.1 OF 2014

Mashruthul Khidmath Mosque and Burial Ground
Tamil Nadu Wakf Property,
Rep. by its Muthavalli K.Gulab,
Labbai Pettai, Mangadu Village,
G.S.No.628/N, Arcot Taluk,
Vellore District

... Petitioner

Vs.

1. The District Collector,
Vellore District, At Vellore.
2. The Director General of Police,
Mylapore, Chennai-600 004.
3. The Superintendent of Police,
Vellore District, At Vellore.
4. The Revenue Divisional Officer,
Ranipet, Vellore District.
5. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vellore District.
6. The Superintendent,
Tamil Nadu Wakf Board,
Vellore District.
7. The Tahsildar,
Arakkonam Taluk, Vellore District.
8. The Inspector of Wakf,
Vellore, Vellore District.



9. The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.

... Respondents

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from constructing any police quarters in the petitioner's wakf board property situated in Survey No.171/2A1 totally to an extent of 4.42 acres at Kaveripakkam Village, Arakkonam Taluk, Vellore District except due process of law.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.A.Anandan, GA, for R1, 4 & 7
Mr.V.Raghavachari, for R5, 6 & 8
Mr.S.Udyakumar, GA, for R2, 3 & 9

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to forbear the respondents from constructing any police quarters in the petitioner's wakf board property situated in Survey No.171/2A1 totally to an extent of 4.42 acres at Kaveripakkam Village, Arakkonam Taluk, Vellore District.

2. The case of the petitioner is that the property in S.No.171/2A1, measuring an extent of 4.42 acres situated at Kaveripakkam Village, Arakkonam Taluk, Vellore District is a Wakf board property and it belongs to the petitioner's wakf. Whiles, some of the third persons with ulterior motive, attempted to encroach the same. Therefore, the petitioner's wakf filed suits in O.S.No.51/2013 and O.S.No.184/2013 before the Sub Judge, Vellore and the same are pending. The petitioner's wakf has filed an ad-interim injunction in I.A.No.517 /2013 and obtained an interim order on 16.07.2013 in their favour. Thereafter, the petitioner's wakf came to know that there was a proposal for construction of police quarters in the above said property, and immediately after knowing the same, the petitioner's wakf made a representation dated 03.07.2014 before the respondents 5 to 8 with regard to the illegal action of the 9th respondent. Pursuant to the petitioner's representation, the 8th respondent addressed a letter dated 03.07.2014 to the 1st respondent requesting to protect the petitioner's wakf property, however, till date, no orders have been passed on the same. Hence, the present Writ petition is filed.



3. Learned counsel for the petitioner submitted that, the petitioner's wakf has filed two different suits in O.S.No.51/2013 and O.S.No.184/2013 before the Court of Subordinate Judge, Vellore in respect of the very same property as against the construction of Police quarters and has obtained an interim injunction. Despite the interim injunction granted in favour of the petitioner's wakf, the 9th respondent is trying to construct a Police Quarters in the disputed property. Hence, he prayed for appropriate orders.

4. Learned counsel appearing on behalf of the Wakf board submitted that, if any proceedings under the land acquisition Act, 1894 is initiated, proper notice should be served on the petitioner's wakf, enabling them to take part in the acquisition, however, till date, no such notice was served on the petitioner's wakf. Whiles, the 9th respondent should not make any attempts to grab the property situated in S.No.171/2A1, as the said property belongs to the petitioner's wakf.

5. Learned Government Advocate (Crl.Side) appearing on behalf of the respondents 2,3 & 9 submitted that, as per the letter dated 07.06.2019 with reference to Lr.No.514/ AEE/ VLR/ TNPHC/ 2019 has clearly communicated that the Tamil Nadu Police Housing Corporation constructed Police quarters in land comprised in S.No.172A/1, to an extent of 0.55 acres situated at Kaveripakkam Village, Vellore District as per the G.O.Ms.No.1008 Home (Police X) Dept. dated 27.11.2009 and the construction was completed in the year 2016 and the building was handed over to the Inspector of Police, Kaveripakkam Police Station on 30.01.2016. He further submitted that, no construction work in respect to police quarters was carried out in the disputed land in S.No.171/2A1, situated at Kaveripakkam Village, Vellore District by their department. Hence, he prayed for dismissal of the present Writ petition.

6. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

7. A perusal of the counter affidavit filed by the respondents 2, 3 & 9 reveals that, no police quarters were constructed in the above disputed land and they have constructed the Police quarters only in the land comprised in S.No.172A/1 and there is no proposal as put forth by the petitioner.

8. In view of the aforesaid submissions, recording the same, no further order is necessary in the present Writ petition.



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Accordingly, this Writ petition is closed. No costs.
Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Vellore District, At Vellore.
2. The Director General of Police,
Mylapore, Chennai-600 004.
3. The Superintendent of Police,
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Vellore, Vellore District.
9. The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.25906

+1cc to the Government Pleader, S.R.No.26538

W.P.No.21446 of 2014
and
M.P.No.1 of 2014

SR-II(CO)

RLP(20/05/2022)