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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.13042 of 2017
and W.M.P.No.13914 of 2017

M.H.Mehrajdeen

..Petitioner

Vs.

1.Tamil Nadu Wakf Board
Represented by the Chief Executive Officer
No.1, Jaffer Syrang street
Vallal Seethakathi nagar
Chennai-1.

2.The Superintendent of Police
Cuddalore District.

3.The Deputy Superintendent of Police
Chidambaram Taluk
Cuddalore District.

4.The Inspector of Police
Killai Police Station
Killai Post
Chidambaram Taluk,
Cuddalore District.

5.R.Jeyaraman

6.K.Selvapriya

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to put a compound wall around the wakf property comprised in R.S.No.243/1 and 243/5 measuring 1.42 Acres and 0.23 Acres in all totalling 1 Acre 65 cents in Killai South Village Chidambaram Taluk with the Police assistance of the respondents 2 to 4 as per its proceedings dated 03.05.2017.



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For Petitioner : Mr.N.A.Nassir Hussain
For R1 : Ms.Yasmeen Ali
(Wakf Board)
For R2 to R4 : Mr.S.Ravikumar
Special Government Pleader
For R5 and R6 : No appearance

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to put up a compound wall around the wakf property comprised in R.S.Nos.243/1 and 243/5 measuring 1.42 Acres and 0.23 Acres in all totalling 1 Acre 65 cents in Killai South Village, Chidambaram Taluk, with the Police assistance of the respondents 2 to 4 as per its proceedings dated 03.05.2017.

2.Though the respondents 5 and 6 have entered appearance through counsel, there is no representation for them, when the matter is taken up for hearing.

3.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 1st respondent and the learned Special Government Pleader appearing for the respondents 2 to 4.

4.According to the petitioner, Amir Peersha Dargah is a registered and notified Wakf under the supervisory control of the Tamil Nadu Wakf Board. The property comprised in R.S.Nos.243/1 and 243/5 is attached to the above Wakf. The 6th respondent claiming to be the power agent of erstwhile Mutawalli has illegally executed a lease deed for a period of 98 years in respect of the said property in favour of 5th respondent and is interfering with the property of Wakf. The Wakf officials have sent a representation to the 1st respondent on 04.05.2017 to raise a compound wall in the Wakf property so as to prevent the encroachment and the trespassers. The 1st respondent has not passed any order on the said representation. Hence, the petitioner has come out with the present Writ Petition.

5.Ms.Yaseen Ali, the learned counsel appearing for the 1st respondent Wakf Board submitted that eight weeks time may be granted for disposing the representation of the petitioner.

6.Considering the above submissions and the nature of the relief sought for by the petitioner, without deciding the issue



on merits, the 1st respondent is directed to consider the petitioner's representation dated 04.05.2017 and pass orders on merits and in accordance with law, after giving opportunity to the petitioner and others if any, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.
2. The Superintendent of Police,
Cuddalore District.
3. The Deputy Superintendent of Police,
Chidambaram Taluk,
Cuddalore District.
4. The Inspector of Police,
Killai Police Station,
Killai Post,
Chidambaram Taluk,
Cuddalore District.

+1cc to Mr.N.A.Nissar Ahmed, Advocate SR. No. 11287
+1cc to Government Pleader SR. No.11970

W.P.No.13042 of 2017
and W.M.P.No.13914 of 2017

AD (CO)
PR (10/03/2022)