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W.P.No.32667 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.12.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.32667 of 2022

Dr.Syed Shah Shoibuddin

... Petitioner

Vs.

1.The Chairman
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001

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

3.The Superintendent of Wakf
Salem & Krishnagiri Zone
No.4A, Tippu Sultan Complex
Agraharam 1st Street
Salem District 636 001

4.Shahi Masjid Rep by its
Committee president
Having office at Nethaji Road
OldPet, Krishnagiri District
Pin code 635 001

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, to direct the 1st respondent to grant a permission to the petitioner for demolition and reconstruction of the Petition premises viz. bearing Door No.21 & 22, Nethaji Road, Oldpet, Krishnagiri – 635001, at petitioner's own funds by considering the petitioner's representation dated 06.10.2022, within the period as stipulated by this Court.

For Petitioner : Mr.L.Gavaskar

For Respondents : Mr.R.Abdul Mubeen for R1 to R3

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, to direct the 1st respondent to grant a permission to the petitioner for demolition and reconstruction of the Petition premises viz. bearing Door No.21 & 22, Nethaji Road, Oldpet, Krishnagiri – 635001, at petitioner's own funds by considering the petitioner's representation dated 06.10.2022, within the period as stipulated by this Court.

2.It is the contention of the learned counsel for the petitioner that the petitioner's father is a tenant of the petition premises and the 4th



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respondent mosque is the absolute owner of the said premises. After the death of his father, the tenancy of the petition premises was extended in favour of the petitioner. Therefore, the petitioner seeks direction of the Wakf Board to consider his representation to demolish and reconstruct the petition premises at his own cost.

3.Mr.R.Abdul Mubeen, the learned counsel takes notice for the Wakf Board. According to him, as per Rule 10 of Wakf Properties Rules 2014, the tenancy has not been legally extended in favour of the petitioner. Without Wakf Board's permission, the petitioner cannot seek a direction for demolition and reconstruction. Hence opposed the writ petition.

4. Having regard to the fact that the petitioner is stated to be the son of the original tenancy holder and the said tenancy said to have been extended only by the President of the 4th respondent violating Rules, this Court is of the view that a blanket direction cannot be issued. However,



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the petitioner is granted liberty to approach the Wakf Board for appropriate relief.

5. With the above observation, this Writ Petition stands dismissed.

No costs.

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Index : yes / no

Internet : yes / no

To

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N.SATHISH KUMAR, J.
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