



W.P. No.34029 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.34029 of 2022

S.Saliya Hussain

... Petitioner

Vs

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

2.The District Collector,
Tiruvallur District.

3.The Tahsildhar
Tiruvallur Taluk Office
Tiruvallur District.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the 6 impugned orders passed by 3rd Respondent vide same Ref.Nos.Na.Ka.502/2022/Aa3 dated 23.05.2022 and quash the same and pass further orders as this Court may deem fit.



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For the Petitioner

:: Mr.A.Raja Mohamed

For the Respondents

:: Mr.Haja Mohamed Gisthi,
for the first respondent,

Mr.P.Muthukumar,
State Government Pleader,
for respondents 2 and 3

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner is challenging the impugned order passed by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act.

2. The learned counsel appearing for the first respondent Tamil Nadu Wakf Board submitted that Muthavalli is appointed by the Wakf Board, and such authority and the Wakf Board would be the custodians of the land belonging to the Wakf Board. Therefore, if any action has to be taken, it could be taken only by Muthavalli and the Wakf Board.

3. It is brought to the notice of this Court that the first respondent has filed an appeal against the proceeding of the third respondent before the District Collector and the same is pending. Learned counsel further submitted



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that a direction could be given to the District Collector, Tiruvallur, to dispose of the pending appeal filed by the first respondent, on merits and as per law.

4. Accepting the limited prayer made by the learned counsel for the first respondent, while dismissing the writ petition, we hereby direct the District Collector, Tiruvallur to take up the appeal filed by the Wakf Board and give a final disposal, on merits and as per law, within a period of six weeks from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, WMP No.33490 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
20.12.2022

Index: Yes/No
tar

To

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

2.The District Collector, Tiruvallur District.

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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

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