



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.8189 of 2012

and

M.P. (MD) No.1 of 2012

WEB COPY

The Inspector of Wakf,
Dindigul Wakf Board College,
Thaika Mahal,
Mohammediapuram,
Dindigul.

... Petitioner

/vs./

1.The District Collector,
Dindigul District,
Dindigul.

2.The Executive Officer,
Natham Town Panchayat Office,
Natham,
Dindigul District.

3.S.N.K.Abdul Muthalif

... Respondents

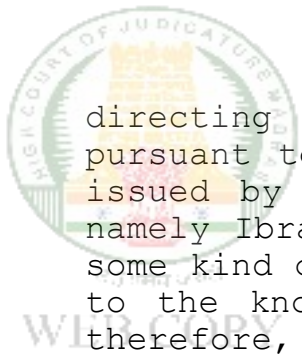
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 2nd respondent in his proceedings Tha.A.Vu.Sa.No. 50/2012/Aa dated 16.04.2012 and quash the same as illegal and consequentially to forbear the 2nd respondent from demolishing the Pattinathar Pallivasal Mosque under the supervision of the Tamilnadu Wakf Board.

For Petitioner	: Mr.S.A.Ajmal Khan
For R1	: Mr.P.Subbaraj Special Government Pleader
For R2	: Mr.S.Kumar
For R3	: Mr.P.T.S.Narendravasan

ORDER

The petitioner has challenged the impugned order dated 16.04.2012 bearing Tha.A.Vu.Sa.No.50/2012/Aa of the 2nd respondent.

2.The said order has been passed, pursuant to the order made in W.P.(MD) No.7447 of 2007 dated 31.01.2008. The said writ petition was filed as a Public Interest Litigation by the 3rd respondent herein, who has now since deceased during the pendency of the present writ petition. The said writ petition was disposed of by



directing the 2nd respondent herein to take appropriate action pursuant to the show cause notices dated 22.01.2007 and 31.01.2007 issued by the 2nd respondent to the respondents 4 and 5 therein, namely Ibrahim Oli and Shaik Dawood. Obviously, there appears to be some kind of an encroachment by these two persons, which was brought to the knowledge of this Court in W.P.(MD) No.7447 of 2007 and therefore, the above order came to be passed on 31.01.2008.

3.Considering the fact that there appears to be some kind of an encroachment by these two persons and the order has not clearly established the extent of encroachment by these two persons, I am inclined to remit the case back to the 2nd respondent to re-do the exercise once again after giving the particulars of the alleged encroachment by these two persons. Even if the property belongs to the Wakf, it needs to be ascertained exactly as to what are the extent of the property that has been encroached by these two persons. The 2nd respondent shall therefore pass a fresh order expeditiously giving the particulars of the alleged encroachment, if any and thereafter take steps for removing encroachments.

4.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Executive Officer,
Natham Town Panchayat Office,
Natham,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-22366[F] dated 28/04/2022)

W.P. (MD) No.8189 of 2012

26.04.2022

RD(17.05.2022) 2P 4C