



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8963 of 2022 and

W.M.P. (MD)No.6558 of 2022

WEB COPY

Chanda Hussain Thaikal Wakf,
Rep. By its Joint Mutawalli
Mohamed Shafi,
9B/32, Manambu Chavadi,
Muslim Street,
Thanjavur -613 001.

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration &
Water Supply Department,
Secretariat,
Chennai - 9.

2. The Commissioner,
Thanjavur Corporation,
Thanjavur.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent to lay underground drainage in patta land in S.F.No.33 / 1 and 33 / 2 situated in Block No.3, Ward No.6, Thanjavur District which belongs to the petitioner's Wakf by considering the representation dated 08.08.2019.

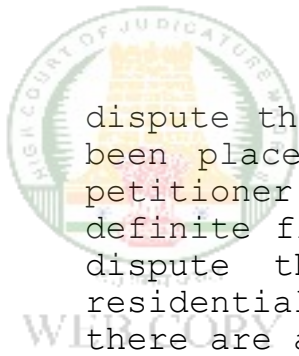
For Petitioner : Ms.M.Rajeswari,
for Mr.S.M.S.Johny Basha.
For R-1 : Mr.K.Balasubramani,
Special Government Pleader.
For R-2 : Mr.N.Dilipkumar

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and the learned Standing counsel appearing for the second respondent TANGEDCO.

2. The petitioner is a notified Wakf. It wants this Court to restrain the second respondent Corporation from laying any underground drainage in the petition mentioned lands. There is no



dispute that the lands in question are patta lands. Materials have been placed before this court indicating that they belong to the petitioner Wakf. However, I am not in a position to give any definite finding so as to prejudice third parties. There is also no dispute that on the petition mentioned lands, a full-fledged residential locality has come up. Even according to the petitioner, there are about 80 houses.

3. The learned Standing counsel produced photographs indicating that there are pucca houses. Roads have also been laid. Houses have also been duly electrified. Domestic water supply has also been granted. In these circumstances, the stand of the petitioner that underground drainage should not be laid without their consent is patently unreasonable. It appears that the tenants are in occupation of the buildings put up in the Wakf land without paying proper rent. But this grievance must be agitated elsewhere. On the ground that there is some rental dispute between the tenants and the petitioner, the local body cannot be restrained from discharging its statutory functions. In the typed set of papers, a copy of the plaint filed in O.S.No.5 of 2013 on the file of the Wakf Tribunal, Thanjavur, has been enclosed. When I went through the prayer, I find that the petitioner has not even asked for recovery of possession. One of the prayers in the suit is that the lay out approval must be cancelled by the planning authority. It is seen that the houses have been put up only after obtaining prior permission from the statutory authorities. In these circumstances, I am not in a position to entertain the writ petition. However, I make it clear that the outcome of this writ petition will not have any bearing whatsoever on the petitioner's legal action against the persons occupying the Wakf land.

4. With these observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU



To:

The Secretary to Government,
Municipal Administration &
Water Supply Department,
Secretariat, Chennai - 9.

+1 CC to M/s.S.M.S. JOHNNY BASHA, Advocate (SR-25645[F]
dated 14/06/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-25649[F]
dated 14/06/2022)

+1 CC to M/s.SPL.GP (SR-25904[F] dated 15/06/2022)

W.P.(MD)No.8963 of 2022

13.06.2022

NA (CO)

GC(22.06.2022) 3P 5C