



W.A.(MD)No.881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.881 of 2022
and
C.M.P.(MD)No.7308 of 2022

Malik Dinar Baithulmal,
A Registered Wakf under the Wakf Act, 1995,
(Regn No.(46(1).No.G.S.18/K.K./A2/AG-1957)),
Represented by its President,
having office at Arippu Street,
Kottar, Nagercoil – 629 002.
Madurai.

... Appellant/6th Respondent

Vs.

- 1.M.A.Mohammed Abdul Kader ... 1st Respondent/Petitioner
- 2.The Principal Secretary to the Government,
Backward Class, Most Backward Class
and Minority Welfare Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
- 3.The District Collector,
Office of the District Collector,
Kanyakumari District,
Nagercoil.
- 4.The Chief Executive Officer,
Tamil Nadu Wakf Board,



W.A.(MD)No.881 of 2022

Door No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

5.The Superintendent of Wakfs,
Office of the Wakf Superintendent,
Khader Avulia Pallivasal Campus,
No.51/80, Trivandrum Road,
Palayankottai,
Tirunelveli District.

6.The Wakf Inspector,
Office of the Wakf Superintendent,
Khader Avulia Pallivasal Campus,
No.51/80, Trivandrum Road,
Palayankottai,
Tirunelveli District.

... Respondents 2 to 6/
Respondents 1 to 5

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent,
praying to set aside the order passed by this Court in W.P.(MD)No.
7211 of 2022, dated 19.04.2022.

For Appellant : Mr.A.Haja Mohideen
For 1st Respondents : Mr.G.Aravinthan
For Respondents 2 & 3 : Mr.S.P.Maharajan
Special Government Pleader

* * *

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order
dated 19.04.2022 made in W.P.(MD) No.7211 of 2022.



W.A.(MD)No.881 of 2022

2. Heard Mr.A.Haja Mohideen, learned counsel for the appellant, Mr.G.Aravindan, learned counsel for the first respondent and Mr.S.P.Maharajan, learned Special Government Pleader, appearing for the respondents 2 & 3. By consent of both sides, this Writ Appeal is taken up for final disposal at the admission stage itself.

3. The first respondent in this writ appeal filed the writ petition for issuance of writ of mandamus, directing respondents 2 to 5 to pass appropriate orders for the eviction of the encroachers in respect of the lands/properties belonged to the sixth respondent/the appellant as per Section 54 of the Wakf Act, 1995.

4. It is the case of the first respondent/writ petitioner that some of the properties are in the enjoyment of encroachers. For removal of encroachments from the property of the appellant / the sixth respondent, the first respondent/writ petitioner has given a representation to the official respondents. Learned Single Judge of this Court allowed the writ petition by directing the official respondents to consider the representation of the first respondent/writ petitioner and pass appropriate orders within a



W.A.(MD)No.881 of 2022

period of six months from the date of receipt of a copy of that order.

WEB COPY

5. It is unfortunate to notice that the appellant, who is supposed to be the beneficiary of the order, has challenged the order stating that the first respondent/writ petitioner is an ex-Committee Member of the appellant and that several irregularities were noticed under his leadership. The appellant contended in this appeal that the writ petition itself is filed to dilute and divert the legal proceedings initiated against him as per the earlier order issued by this Court.

6. This Court is unable to find any legal ground to interfere with the order of learned Single Judge. The appellant is a Wakf and is having properties. The appellant has not stated any reason as to why the representation of the first respondent/writ petitioner cannot be considered on merits. As a custodian or Trustees or Muthavalli of the Wakf the appellant cannot have a grievance having regard to the nature of the order passed by learned Single Judge. The appellant will be heard before any order is passed.



W.A.(MD)No.881 of 2022

7. Since the appellant has not pleaded or placed any legal ground to interfere with the order of learned Single Judge, this Court is of the view that the Appeal is devoid of any merits. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
18.08.2022

Index : Yes / No

sj

To

1.The Principal Secretary to the Government,
Backward Class, Most Backward Class
and Minority Welfare Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Office of the District Collector,
Kanyakumari District,
Nagercoil.



WEB COPY



W.A.(MD)No.881 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

W.A(MD)No.881 of 2022

18.08.2022