



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) .No.10308 of 2018

and

W.M.P(MD) .No.9326 of 2018

M.Syed Salahudeen

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Represented by its Chairman,
Jafar Sirang Road,
Vallal Seethakathi Nagar,
Chennai.

2.The Chief Executive Officer,
Tamilnadu Wakf Board,
Jafar Sirang Road,
Vallal Seethakathi Nagar,
Chennai.

3.The Superintendent of Wakfs,
Thanjavur District,
Thanjavur.

4.The Inspector of Police,
Adhirama Pattinam Police Station,
Adhiramapattinam Post - 614 701,
Pattukkottai Taluk,
Thanjavur District.

5.Ali Akbar

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to Direct the Respondents 1 to 4 to take appropriate action against the 5th Respondent and prohibit them from encroaching and making construction upon the Holly Seyadina Hazarath Haja Shaik Alawdeen Thisthy Oliyullah Dargha lands situated in S.No.77/221 Yerippura Karai Village, Adhiramapattinam, Pattukkottai Taluk, Tanjore District.



For Petitioner : Mr.M.Saravanakumar
For R1 to R3 : Mr.K.K.Senthil
For R4 : Mr.P.Subbaraj,
Special Government Pleader.

ORDER

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No representation on behalf of the third respondent. Notice on the fifth respondent remains unserved. This writ petition is taken up for final disposal as no prejudicial order directly proposed to be passed against the respondents.

2. It appears that the fifth respondent started a construction and therefore the petitioner had given a complaint to the third respondent on 09.03.2018. However, no action appears have to be taken by the third respondent.

3. It is noticed that the petitioner appears to have given a complaint to the fourth respondent to initiate appropriate criminal proceedings against the fifth respondent by filing of the complaint before the fourth respondent. Mere initiation of criminal proceedings against the fifth respondent is not sufficient. I do not find any merits present in the writ petition. However, liberty is given to the petitioner to give an appropriate representation to the third respondent to take appropriate action against the fifth respondent. The third respondent shall consider such representation of the petitioner and thereafter take a call as to whether proceedings have to be initiated against the fifth respondent or not. In case, any adverse orders are to be passed by the third respondent, notice shall be given to the fifth respondent also. The writ petition stands disposed of with the above observations. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.TheChairman,
Tamil Nadu Wakf Board,
Jafar Sirang Road,
Vallal Seethakathi Nagar,
Chennai.

2.The Chief Executive Officer,
Tamilnadu Wakf Board,
Jafar Sirang Road,
Vallal Seethakathi Nagar,
Chennai.

3.The Superintendent of Wakfs,
Thanjavur District,
Thanjavur.

4.The Inspector of Police,
Adhirama Pattinam Police Station,
Adhiramapattinam Post - 614 701,
Pattukkottai Taluk,
Thanjavur District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-7318[F] dated 21/02/2022)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-7555[F] dated 21/02/2022)

+1 CC to M/s.SPL GP (SR-7400[F] dated 21/02/2022)

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SN

MS/10.03.2022/3P.8C