



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.2519 of 2014

and

M.P. (MD) No.1 of 2014

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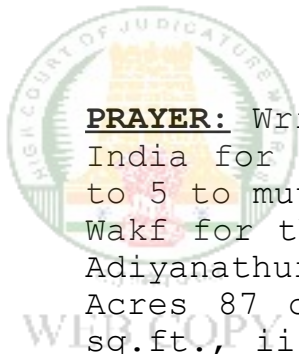
K.Sheik Farid

... Petitioner

/vs./

- 1.Government of Tamil Nadu,
represented by its Secretary,
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Fort St.George,
Chennai 600 009.
- 2.The Tamil Nadu Wakf Board,
represented by its Chief Executive Officer,
1, Jaffer Syrang Street,
Vallai Seethakadhi Nagar,
Chennai 600 001.
- 3.The Collector,
Dindigul District, Dindigul.
- 4.The Divisional Revenue Officer,
Divisional Revenue Office,
Dindigul.
- 5.The Thasildhar,
Dindigul Taluk,
Dindigul.
- 6.Begampur Mosque and Dargha,
represented by its Executive Officer,
Begampur Mosque and Dargha,
Dindigul Town,
Dindigul.
- 7.Dindigul Begambur Mosque and Dhargha Administrative Committee,
represented by its Member - Secretary,
M.A.Kamal Basha, 70 years,
S/o. Late.Abdul Khader,
Madurai Main Road,
Dindigul.
(R7 has been impleaded vide
order dated 01.03.2022.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 to 5 to mutate the revenue records in the name of the 6th respondent Wakf for the property in i) Aranmanai Kulam (tank), Dindigul Town, Adiyanathur Village, Ward 6, Old Survey No. 57B, 5-B, Extent 65 Acres 87 cents, Present T.S.No.1018, extent 41 acres and 1,81,482 sq.ft., ii) Dindigul Town, Adiyanathur Village, Ward 6, Old Survey No.9-B New Survey No.828/4 measuring an extent of 13 acres and 70 cents and iii) Dindigul Town, Adiyanathur Village, Ward 6, The Triangular Bit in Survey No. 1018/4 measuring an extent of 18, 385 sq. ft.,

For Petitioner : Mr.M.Saravanan

For R1 & R3 to R5 : Mr.K.Jayaseelan
Government Advocate

For R2 & R6 : Mr.A.Ajmal Khan

For R7 : Mr.V.R.Venkatesan

ORDER

This writ petition is disposed of after hearing the learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 3 to 5 and the learned counsel for the respondents 2, 6 and 7.

2.All the parties agreed that a suit was filed by the Managing Committee of Beganpur Mosque and Dharga Trust in O.S.No.107 of 1977 in respect of certain properties for a declaration and for a permanent injunction. The suit was decreed insofar as the suit 2nd schedule of property is concerned, whereas the suit in respect of the 1st schedule of property was dismissed, vide judgment and decree dated 08.04.1982. Aggrieved by the portion disallowing the suit in respect of the 1st schedule of property, the Managing Committee of Beganpur Mosque and Dharga Trust had thereafter preferred an appeal in A.S.No.119 of 1982 before the learned District Judge, Madurai North, Dindigul.

3.The above appeal was decreed by the first appellate Court by its judgment and decree dated 07.10.1983. Thereafter, the second appeals in S.A.Nos.168 of 1986 and 604 of 1987 filed by the defendants 1 and 3, namely, the Central Government through its Chief Secretary, New Delhi and the Post-Master General, Madras, were dismissed by the Division Bench of this Court, by judgment dated 28.08.1988. Thus, the ownership of the property, which was the subject matter in O.S.No.107 of 1977 on the file of the Subordinate Court, Dindigul, now stands confirmed.

4.After the aforesaid judgment was passed in 1988, various letters have been sent by the Secretary to the Government of Tamil Nadu Wakf Board and that letters were also sent by the Tamil Nadu Wakf Board to the 3rd respondent, namely, The Collector, Dindigul



District to implement the judgment and decree of the trial Court by mutating the revenue records. However, till date no action has been taken. Therefore, the present writ petition has been filed.

5.It is the case of the newly impleaded 7th respondent, namely, Dindigul Begambur Mosque and Dhargha Administrative Committee, represented by its Member-Secretary, M.A.Kamal Basha, Dindigul, that they are in control of the Dhargha and the apprehension expressed by the petitioner in the writ petition that the property is being misused and is allotted out of turn, is incorrect.

6.The learned counsel for the respondents 2 and 6 submits that the period of the committee represented by the 7th respondent has come to end. Though these are the rival contentions, the prayer of the petitioner in the writ petition appears to be only for mutating the revenue records in the name of the 6th respondent Wakf Board for the petition mentioned property.

7.In view of the above, the writ petition stands disposed of, without expressing any opinion on the rights of the 7th respondent, by directing the respondents 3 to 5 to pass appropriate orders on the representations of the 2nd respondent Wakf Board to mutate the revenue records, pursuant to the judgment and decree of the trial Court, as modified and partly affirmed in A.S.No.119 of 1982 by the learned District Judge, Madurai North at Dindigul, by judgment and decree dated 07.10.1983, which judgment and decree stands affirmed by this Court, vide judgment dated 28.08.1988 in S.A.Nos.168 of 1986 and 604 of 1987, within a period of 8 weeks from the date of receipt of a copy of this order. *Inter se* dispute and power struggle between the members of the Dindigul Begambur Mosque and Dhargha Administrative Committee has to be decided separately as it has no relevance to the present dispute. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Secretary,
Government of Tamil Nadu,
Backward Classes, Most Backward Classes and
Minorities Welfare Department, Fort St.George,
Chennai 600 009.



2.The Collector,
Dindigul District, Dindigul.

3.The Divisional Revenue Officer,
Divisional Revenue Office,
Dindigul.

4.The Thasildhar,
Dindigul Taluk,
Dindigul.

5.Dindigul Begambur Mosque and Dhargha Administrative Committee,
represented by its Member - Secretary,
M.A.Kamal Basha, 70 years,
S/o. Late.Abdul Khader,
Madurai Main Road,
Dindigul.

+1 CC to M/s.SPL GP (SR-9456[F] dated 02/03/2022)

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-9541[F] dated
02/03/2022)

W.P. (MD) No.2519 of 2014
Date:01.03.2022

SA(28.03.2022) 4P 8C