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W.P(MD).No.23263 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2022

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**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P(MD).No.23263 of 2022

Cecilia Edel Priya

... Petitioner

**Vs.**

1.The Chief Executive Officer,  
Tamilnadu Wakf Board,  
No.1,Jaffar Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai-600001.

2.The Superintendent of Wakf,  
Tamil Nadu Wakf Board,  
Trichy Division,  
No.8/124, Second Floor,  
Kaithemillath Road,  
Palakarai,  
Trichy District-620008.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 and 2 to delete in the list of described properties in S.No.208/1B, 208/1A3D, 195/4A, 195/4B, 195/3 and 196/1 in Keezhakurichi Village, Thiruverumbur Taluk, Trichy District extent of Acre 1.44 <sup>3</sup>/<sub>4</sub> Cents from the Endowed properties list under the Tamil Nadu Wakf Board in light of the proceedings of the 1<sup>st</sup> Respondent in R.C.No.7985/84/B7/Trichy dated 21.06.2986 within the time stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy  
For Respondents : Mr.K.K.Senthil  
Standing Counsel

### **ORDER**

This writ petition is filed praying for a writ of Mandamus directing the Respondents 1 and 2 to delete in the list of described properties in S.Nos. 208/1B, 208/1A3D, 195/4A, 195/4B, 195/3 and 196/1 in Keezhakurichi Village, Thiruverumbur Taluk, Trichy District extent of Acre 1.44 <sup>3</sup>/<sub>4</sub> Cents from the Endowed properties list under the Tamil Nadu Wakf Board in light of the proceedings of the 1<sup>st</sup> Respondent in R.C.No.7985/84/B7/Trichy, dated 21.06.2986.

2. Mr.K.K.Senthil, learned Standing Counsel takes notice for the Respondents.

3. The properties in the above mentioned survey numbers originally belongs to one N.M.Kajamian Rowther, who had executed a Wakf settlement deed in favour of the 1<sup>st</sup> Respondent on 29.05.1946. The legal heirs of N.M.Kajamian Rowther had moved an application under Sections 15(1) and 36-A of the Wakf Act to allot the three properties permanently for the



performance of charities specified in Schedule A of the Wakf deed, dated 29.05.1946 and to partition the remaining properties of Khaja Mian Wakf Estate with absolute rights between themselves. Thereafter, the 1<sup>st</sup> Respondent through his proceedings, dated 21.06.1986, the Wakf had retained three properties in S.Nos.234/1E, 234/1D and 3433 and CC.No.1641 for permanent performance of charity specified in Schedule A of Wakf deed, dated 29.05.1946 and the remaining properties were released from Wakf character for the absolute enjoyment of the beneficiaries, which includes the subject properties in S.Nos.208/1B, 208/1A3D, 195/4A, 195/4B, 195/3 and 196/1 to an extent of Acre 1.44  $\frac{3}{4}$  cents.

4. Now, the Petitioner purchased the said subject lands from SEBCO Property Private Limited on 02.03.2022 vide registered sale deed bearing No.1547 of 2022 before the Thiruverumbur Sub Registrar Office. Subsequently, the 1<sup>st</sup> Respondent through his proceedings, dated 11.08.2022 had sent a communication to the Sub Registrar, Thiruverumbur not to register any document alienating the wakf properties presented for registration without No Objection Certificate issued by the Chief Executive Officer.



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5. Against this background, the Petitioner submitted a detailed representation, dated 23.09.2022 to the Respondents requesting to remove the properties in S.Nos.208/1B, 208/1A3D, 195/4A, 195/4B, 195/3 and 196/1 in Keezhakurichi Village, Thiruverumbur Taluk, Trichy District extent of Acre 1.44  $\frac{3}{4}$  Cents from the list of endowed properties and the same is pending consideration.

6. It is submitted by the learned Standing Counsel for the Respondents that the above representation shall be considered after taking into account whether any appeal or any other rival claims in accordance with law.

7. Recording the above submission, this Court without going into the merits of the case directs the the Respondents to dispose of the representation, dated 23.09.2022 after taking into account all the material facts/documents that may be placed by the Petitioner and also providing an opportunity of hearing to the Petitioner and other share holders/parties, if any shall decide the matter in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



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costs.

8. With the above direction, the writ petition stands disposed of. No

**10.10.2022**

Index : Yes / No  
Internet : Yes/ No  
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To

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**MOHAMMED SHAFFIQ, J.**

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