



W.P.(MD)No.24609 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.24609 of 2022
and W.M.P.(MD) No.18687 of 2022

M.Kalil Rahaman

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Kokkirakulam,
Tirunelveli District.
- 2.The Tashildhar,
Tashildhar Office,
Kokkirakulam,
Palayamkottai,
Tirunelveli District.
- 3.Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Mannady,
Chennai 600 001.
- 4.The Superintendent,
Wakf Board Office,
Pallivasal Complex,
Thiruvanathapuram Main Road,
Tirunelveli District.



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5.The President,
Military Line Mosque,
St Mark Road,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to Tender Notification in Rc.No.13860/21/B1/TNV dated 15.10.2022 issued by 3rd respondent and to quash the same and further to direct the respondents to consider the petitioner's representation dated 26.10.2022 and allot the 4.37 acres comprised in S.No. 63/3, 64/3, 67/1 and 68/1 and 66 in Panayankulam Village, Palayamkottai Taluk, Tirunelveli District belonging to Kottoor Nawab Chatram Waqf, Tirunelveli to landless poor of the same community within a time limit to be fixed by this Honble Court.

For Petitioner : Mr.V.M.Jegadeesha Pandian

For Respondents 1 & 2 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 3 & 4 : Mr.S.Haja Mohideen Gisthi
for Mr.S.A.Ajmal Khan

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, challenging the Tender Notification in Rc.No.13860/21/B1/TNV dated 15.10.2022, issued by 3rd respondent and to quash the same



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and for a direction to the respondents to consider his representation dated 26.10.2022 and allot 4.37 acres of land comprised in S.Nos.63/3, 64/3, 67/1 and 68/1 and 66 in Panayankulam Village, Palayamkottai Taluk, Tirunelveli District belonging to Kottoor Nawab Chatram Waqf, Tirunelveli to the landless poor of the same community, within a time frame.

2. Heard Mr.V.M.Jegadeesha Pandian, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 & 2 and Mr.S.Haja Mohideen Gisthi, learned counsel appearing for the respondents 3 & 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 5th respondent is dispensed with.

4. According to the learned counsel for the petitioner, the property measuring an extent 4.37 acres comprised in S.Nos. 63/3, 64/3, 67/1 and 68/1 and 66 in Panayankulam Village,



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Palayamkottai Taluk, Tirunelveli District belonging to Kottoor Nawab Chatram Waqf, Tirunelveli, was inaugurated as Alipulavar Nagar on 25.07.1985, for allotting the same to the landless poor. However, no further action was taken to implement the same, whereas, contrary to the aforesaid purpose, the third respondent published the impugned Tender Notification in Rc.No. 13860/21/B1/TNV dated 15.10.2022, to lease out the said property for a period of 30 years on monthly rental basis. Hence, the Writ Petition.

5. By inviting the attention of this Court to the typed set of papers filed by him, the learned counsel appearing for respondents 3 and 4 submitted that the Secretary of the Nawab Wallajah Sahib Pallivasal as applicant has already approached the Tamilnadu Waqf Tribunal at Chennai, by filing O.A.No.71 of 2022, to declare that the property in question absolutely belongs to the applicant and the same is pending.

6. Since there is an application filed by the Secretary of the Nawab Wallajah Sahib Pallivasal before the Tamilnadu Waqf Tribunal at Chennai in O.A.No.71 of 2022, seeking declaration in



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respect of the property in question, this Writ Petition stands disposed of, leaving it open to the parties to work out their remedy in the pending application in O.A.No.71 of 2022, before the Tamilnadu Waqf Tribunal at Chennai. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
01.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
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Kokkirakulam,
Tirunelveli District.
- 2.The Tashildhar,
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Kokkirakulam,
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