



W.P.(MD)No.25159 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.25159 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 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents No.1 and 2 to delete in the list of described properties in S.No.206/1A, 206/1B, 210/1A, 210/1B, 210/2A, 207/6A1, 208/1D, 208/1B, 208/1A3D, 194/2A, 199/1B2E, 196/1, 204/2, 199/2A2, 195/3, 195/4B, 197/113, 197/112 in Keezhakurichi Village, Thiruverumbur Taluk, Trichy District extent of 6 Acre 71 ½ Cents from the Endowed properties list under the Tamil Nadu Wakf Board in light of the proceedings of the Respondent No.1 in R.C.No.



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7985/84/B7/Trichy dated 21.06.1986.

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For Petitioner :Mr.T.Lajapathi Roy
For Respondents :Mr.S.A.Ajmalkhan
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.No.206/1A, 206/1B, 210/1A, 210/1B, 210/2A, 207/6A1, 208/1D, 208/1B, 208/1A3D, 194/2A, 199/1B2E, 196/1, 204/2, 199/2A2, 195/3, 195/4B, 197/113, 197/112 in Keezhakurichi Village, Thiruverumbur Taluk, Trichy District extent of 6 Acre 71 ½ Cents from the Endowed properties list under the Tamil Nadu Wakf Board in light of the proceedings of the 1st Respondent in R.C.No.7985/84/B7/Trichy dated 21.06.1986.

2.Mr.S.A.Ajmalkhan, learned Standing Counsel takes notice for the Respondents.

3.The properties in the above mentioned survey numbers originally belonged to one N.M.Kajamian Rowther, who had executed a



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Wakf settlement deed in favour of the 1st Respondent on 29.05.1946. The legal heirs of N.M.Kajamian Rowther moved an application under Sections 15(1) and 36-A of the Wakf Act 1954 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 1st Respondent vide his proceedings, dated 21.06.1986, had retained three properties in S.Nos.234/1E, 234/1D and 3433 and C.C.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.No.206/1A, 206/1B, 210/1A, 210/1B, 210/2A, 207/6A1, 208/1D, 208/1B, 208/1A3D, 194/2A, 199/1B2E, 196/1, 204/2, 199/2A2, 195/3, 195/4B, 197/113, 197/112 in Keezhakurichi Village, Thiruverumbur Taluk, Trichy District extent of 6 Acre 71 ½ Cents.

4.Now, the petitioner purchased the said subject lands from SEBCO Property Private Limited on 12.04.2022, 02.03.2022, vide



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registered sale deed bearing No.2979/2022, 1547/2022, and settlement deed bearing No.957/2022 dated 08.02.2022, 1873/2020 dated 26.05.2020 before the Thiruverumbur Sub Registrar Office. Subsequently, the 1st Respondent vide his proceedings, dated 11.08.2022 has 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.

5. Against this background, the petitioner submitted a detailed representation, dated 28.10.2022 to the Respondents requesting to remove the properties in S.No.206/1A, 206/1B, 210/1A, 210/1B, 210/2A, 207/6A1, 208/1D, 208/1B, 208/1A3D, 194/2A, 199/1B2E, 196/1, 204/2, 199/2A2, 195/3, 195/4B, 197/113, 197/112 in Keezhakurichi Village, Thiruverumbur Taluk, Trichy District extent of 6 Acre 71 ½ 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



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into account whether any appeal is pending or any other rival claims exist in accordance with law.

7.Recording the above submission, this Court without going into the merits of the case directs the Respondents to dispose of the representation dated 28.10.2022 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 stake holders/interested parties, if any, and decide the matter in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

8.With the above direction, the Writ Petition stands disposed of.

No costs.

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Index : Yes / No
Speaking Order/Non Speaking Order

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To

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MOHAMMED SHAFFIQ, J.

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