



W.P.(MD)No.25871 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.25871 of 2022

S.Settu

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Superintendent of Wakf,
Trichy Circle,
Office of the Superintendent of Wakf,
No.8/124, Quide Milleth Road,
Palakkarai,
Trichy – 620 008.
3. The Wakf Inspector,
Trichy,
Trichy District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondents to delete the entry of the property in Survey No.64/3, Kuvalakudi Village, Thiruverumbur Taluk, Tiruchirappali District measuring an extent of 1 Acre and 44 Cents as Wakf property and consequently, to issue No Objection Certificate in order to present any documents for registration in respect of the above said property by considering the Petitioner's representation dated 13.10.2022 in the light of the proceedings of the Tamil Nadu Wakf Board dated 21.06.1986 in R.C.No.7985/84/B7/Trichy as well as the consequential resolution dated 24.08.1986.

For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.K.K.Senthil
Standing Counsel

ORDER

This Writ Petition has been filed directing the Respondents to delete the entry of the property in Survey No.64/3, Kuvalakudi Village, Thiruverumbur Taluk, Tiruchirappali District to an extent of 1 Acre and 44 Cents and consequently, to issue No Objection Certificate in order to present any documents for registration in respect of the above said property by considering the Petitioner's representation dated 13.10.2022, in light of



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the proceedings of the Tamil Nadu Wakf Board in R.C.No. 7985/84/B7/Trichy, dated 21.06.1986 as well as the consequential resolution dated 24.08.1986.

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

3. The property in the above mentioned survey number originally belongs to one N.M.Kajamian Rowther, who had created a Wakfnama in respect of the above property and various other properties. The legal heirs of the said Kajamian Rowther had moved an application under Sections 15(j) 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 through its 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,



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dated 29.05.1946 and the remaining properties were released from Wakf character for the absolute enjoyment of the beneficiaries, which includes the subject property in Survey No.64/3, Kuvalakudi Village, Thiruverumbur Taluk, Tiruchirappali District. The Registering Authority was not inclined to entertain the documents. The Sub-Register Joint-III, Tiruchirappalli, by his proceedings dated 07.06.2021 informed that only in case of producing No Objection Certificate from the Wakf Board, he will be in a position to entertain the document.

4. Against this background, the Petitioner submitted a detailed representation, dated 13.10.2022 to the Respondents requesting to remove the property in Survey No.64/3, Kuvalakudi Village, Thiruverumbur Taluk, Tiruchirappali District to an extent of 1 Acre and 44 Cents from the list of endowed properties and the same is pending consideration.

5. It is submitted by the learned Standing Counsel appearing for the Respondents that the representation of the Petitioner would be considered and orders passed thereon in accordance with law, after putting



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on notice any interested parties / stake holders and in case, any rival case, appropriate enquiry would be conducted.

6. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

7. In view of the above submission and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the concerned Respondent to consider the Petitioner's representation dated 13.10.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order after granting opportunity to the Petitioner and also putting all interested parties / stake holders on notice. It is made clear that this Court has not expressed any view with regard to the merits of the representation and it is open to the concerned Respondent to consider the representation on its own merits.



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

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No costs.

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Index : Yes / No

Speaking Order : Yes / No

vji



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To

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MOHAMMED SHAFFIQ, J.

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