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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.26469 of 2022

B.Balamurali ... 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.126/3, 126/4 in Alathoor Village, Trichy Taluk, Trichy District in an extent of 3200 square feet from the Endowed properties list under the Tamil Nadu Wakf Board by considering the Petitioner's representation, dated 09.11.2022 within the time stipulated by this Court.

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For Petitioner : Mr.M.Mahaboob Fazil
For Respondents : Mr.S.A.Ajmal Khan
Standing Counsel

ORDER

This writ petition has been filed praying for a writ of Mandamus directing the Respondents to delete in the list of described properties in S.Nos.126/3, 126/4 in Alathoor Village, Trichy Taluk, Trichy District in an extent of 3200 square feet from the Endowed properties list under the Tamil Nadu Wakf Board by considering the Petitioner's representation, dated 09.11.2022.

2. The petitioner had purchased the property covered in S.Nos.126/3, 126/4 admeasuring an extent of 3200 square feet in Alathoor Village, Trichy Taluk, Trichy District. It is submitted that prior to the purchase of aforesaid properties, the Petitioner verified the previous title deeds, revenue records and encumbrance Certificates for the aforesaid properties and he did not find any adverse entries in those documents from the year 1927. Especially, there was no records to indicate that the properties belongs to Durgha Sha Wakf. After affirming the ownership of predecessors in title, the Petitioner purchased the aforesaid lands. Subsequently, the 1st Respondent through his proceedings, dated 11.08.2022 had sent a communication to the Joint Sub Registrar I and

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II, Trichy not to register any document alienating the wakf properties presented for registration without No Objection Certificate issued by the Chief Executive Officer.

3. Against this background, the Petitioner submitted a detailed representation, dated 09.11.2022 to the Respondents requesting to remove the properties in S.Nos. 126/3, 126/4 in Alathoor Village, Trichy Taluk, Trichy District to an extent of 3200 square feet from the list of endowed properties and the same is pending consideration.

4. 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.

5. In view of the same 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 respondents to consider the petitioner's representation, dated 09.11.2022 and pass appropriate orders on merits and in accordance with law after affording a reasonable opportunity to the Petitioner and any other stake holders, if any, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court

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has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

25.11.2022

Index : Yes / No
Internet : Yes/ No
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To
1.The Chief Executive Officer,
Tamilnadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
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2.The Superintendent of Wakf,
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MOHAMMED SHAFFIQ, J.

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