



W.P.No.2359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 2359 of 2023
and W.M.P.No.2426 & 2428 of 2023

S.R.Syed Abdul Majeed

.. Petitioner

Versus

1.The Tamil Nadu Wakf Board
Rep by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 1

2.K.Babu Sahib

3.The Tahsildar
Gingee Taluk
Villupuram District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the first respondent dated 18.11.2022 in R.C.No.1747/18/B10/Cudd and quash the same.

For Petitioner : Mr.N.A.Nassir Hussain

For Respondents : Mrs.R.Anitha R2
Special Government Pleader
Mr.C.Shankar for R1
Standing Counsel



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ORDER

This Petition has been filed challenging the proceedings in R.C.No.1747/18/B10/Cudd dated 18.11.2022 made by first respondent for enquiry and quash the same.

2. The Wakf Board has already requested the Tahsildar/third respondent herein to survey the land. The ground on which this proceedings has been challenged is that the second respondent has already filed a suit for declaration to declare the subject property as the Wakf properties. When the matter is seized by the Wakf Tribunal, the respondent cannot conduct the parallel enquiry on that ground this writ petition has been filed.

3. The plaint filed by the second respondent in OS.No.350 of 2019 before the Waqf Tribunal would indicate that the suit is filed on the premise that the Wakf Board is not taking any action in preventing illegal constructions. In fact they are colluding with the persons and not taking any action to preserve the property.

4. Merely because some third party has filed a suit, this Court is of



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the view that it will not prevent the Waqf Board from taking action as per law to initiate enquiry. Hence, I do not find any merits in this writ petition and the same is liable to be dismissed.

5. In view of the above, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

01.02.2023

dhk

Index : Yes / No

Speaking Order : Yes / No

To

1.The Chief Executive Officer
The Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
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Chennai – 1

2.The Tahsildar
Gingee Taluk
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N.SATHISH KUMAR, J.

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