



W.P.No.4142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4142 of 2023

Madurai Farooq Ahmed

.. Petitioner

Vs

- 1.The Inspector General Registration,
No.100, Santhome High Road,
Chennai-600 028.
- 2.The Revenue Divisional Officer,
Tirupthur District,
Vaniyambadi-635 752.
- 3.Tamil Nadu Waqf Board,
rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Lane,
Seetha Kathi Nagar,
Chennai-600 001.
- 4.Tamil Nadu Waqf Board,
rep. by its Vellore Zonal Ispector,
No.8, Bhadur Shah Masjid,
Arni Road, Sayeenathapuram,
Vellore-632 601.



W.P.No.4142 of 2023

5.The Sub Registrar,
Sub Registrar Office,
Vaniyambadi-635 751.

6.Ahle Sunnath – Val – Jamath,
Masjid – e – Quadeem (Old Mosque)
rep. by its Acting Mutavali,
High Road, Jafarabad Village,
Vaniyambadi Taluk – 635 754,
Tiruppathur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the fifth respondent to verify the property documents owned by private individuals with due care, comprised at Jafarabad Village, Vaniyambadi Taluk, Tirpaththur District vide Survey Nos.22/2, 23, 26, 27, 28, 29, 25/1A, 25/3A, 79/1C, 80/1C, 4 – 2/15 and 4/1 – 16 and on conducting the ownership of those properties were genuine carry the registration process according to law.

For the Petitioner : Mr.B.Ram Prasath

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1,2 & 5

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Madurai Farooq Ahmed, son of Mohd. Oosman, a resident of No.603, Patel Kasim Street, Khaderpet, Vaniyambadi, has filed this Public Interest Litigation seeking a direction on the first respondent



W.P.No.4142 of 2023

to pass an order directing the fifth respondent to verify the property documents owned by the private individuals comprised in Survey Nos.22/2, 23, 26, 27, 28, 29, 25/1A, 25/3A, 79/1C, 80/1C, 4 -2/15 and 4/1 – 16 situated at Jafarabad Village and on concluding the ownership of aforesaid properties as genuine, carry out necessary registration process.

2. Learned counsel for the petitioner submitted that the petitioner is working as an Accountant at a private Leather Factory in Vaniyambadi and is earning Rs.30,000/- per month. He met out the court fee as well as filing expenses from his own earnings. If the Court is of the view that the writ petition is misconceived and the petitioner has wasted the Court's time, then the petitioner is ready to pay costs from his own earnings. The petitioner is not an Income-tax assessee, but holds Income-tax PAN Card bearing No.CEKPM2136P.

3. Adding further, learned counsel for the petitioner submitted that in Vaniyambadi Taluk, there is a village called Jaffarabad with a



W.P.No.4142 of 2023

WEB COPY

majority of Muslim population and all of them belong to a lower income group and are largely daily-wage earners. While so, one Syed Siraj Ahmed, Muthavalli of the sixth respondent, is trying to usurp the properties belonging to the individuals without any documentary evidence and he has been falsely claiming that the entire village belong to his Waqf. Such a vague claim made by the sixth respondent is an awful attempt to grab the properties and to snatch the legal rights of the innocent persons. Learned counsel would submit that the sixth respondent, apart from indulging in various anarchic activities by claiming that the properties belong to his Waqf, had also distributed pamphlets and bit notices which had created confusion and fear among the innocent persons.

4. Learned counsel for the petitioner further submitted that the fourth respondent – Tamil Nadu Waqf Board after getting huge illegal gratification from the sixth respondent as *quid pro quo*, without adducing any documentary evidence on 29.12.2021, sent a letter to the fifth respondent with an instruction to refrain from registering the properties comprised in Survey Nos.22/2, 23, 26,



W.P.No.4142 of 2023

27, 28, 29, 25/1A, 25/3A, 79/1C, 80/1C, 4 -2/15 and 4/1 - 16 situated at Jafarabad Village. Such an act of the fourth respondent restraining the fifth respondent from registering the said properties without bona fide reason is unsustainable and blatant infringement of the fundamental rights. Therefore, the petitioner, espousing the public cause, has been advised to file this public interest litigation.

5. After hearing learned counsel for the petitioner, when we posed a specific question as to what would be the recourse available to the land owners, if the wakf claims that they are the owners of the land in question, there was no response from learned counsel for the petitioner. The only remedy to decide the title over the property is to approach the competent Wakf Tribunal by adducing oral and documentary evidence.

6. If the individual land owners are aggrieved by non-registration of the documents in their favour by the respondent authorities, it is for such individual land owner to approach the appropriate forum. The petitioner cannot espouse the cause of such



W.P.No.4142 of 2023

WEB COPY

individual land owners by way of a public interest litigation.

7. That apart, a perusal of the letter dated 29.12.2021 addressed by Mr.N.Mohd. Imran, Waqf Inspector, Tiruvannamalai to the District Revenue Officer, Tirupattur District and others, which has been annexed in the typed-set of papers reveals that the Waqf Inspector has claimed various landed properties covered in several survey numbers as Waqf properties. It has also been stated that, as per "A" Register, land in S.No.22/2A stands in the name of mosque. It is further stated therein that the land covered in S.No.22/2 was taken for scrutiny and patta issued in favour of Karikara Babu was cancelled. When patta for the land covered in Survey Nos.22/2 was cancelled without any due notice, as argued by learned counsel for the petitioner, the affected party alone can seek a legal remedy. If the order of cancellation is by the Tahsildar, then the affected party has to approach the Revenue Divisional Officer by way of an appeal under the provisions of the Tamil Nadu Patta Passbook Act, 1983 and if further aggrieved, the aggrieved party can file a revision before the District Revenue Officer and



W.P.No.4142 of 2023

thereafter only he/she can approach this Court under Article 226 of the Constitution of India. But in the instant case, the aggrieved parties have not come to this Court. The petitioner cannot take cudgels on behalf of all the land owners and file a public interest litigation bypassing the statutory prescription available to the individual land owners.

8. The writ petition is misconceived and bereft of merits and, accordingly, is dismissed. However, we refrain from imposing costs on the petitioner.

(T.R., ACJ.) (D.B.C., J.)
14.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.4142 of 2023

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