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W.P.Nos.8781 of 2006 & 27577 of
and C.R.P.No.3374 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.8781 of 2006 & 27577 of 2012
and C.R.P.No.3374 of 2008
and
M.P.No.1 of 2008

W.P.No.8781 of 2006:

Sunnath Jamath Jamiya Mosque,
Upper Street,
Palacode – 636 808,
Dharmapuri District,
Represented by its Mutawalli (President)
Mr.M.K.Mohammed Ali

... Petitioner

Vs.

- 1.Government of Tamil Nadu,
represented by its Secretary,
Backward Classes, Most Backward Classes &
Minorities Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Dharmapuri.
- 3.The District Forest Officer,
Dharmapuri District,
Dharmapuri.



W.P.Nos.8781 of 2006 & 27577 of
and C.R.P.No.3374 of 2008

4.The Tamil Nadu Wakf Board,
No.3, Santhome High Road,
Chennai – 600 004.
Rep. by its Secretary.

... Respondents

[R4 impleaded as per order dated 09.09.2011 in
WPMP.No.178/2011 in WP.No.8781/2006]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to remove forthwith the incomplete structure put up by the 3rd respondent in the year 1982 on the Wakf lands comprised in S.F.Nos.924/3 and 925 of Palacode Village and Taluk, Dharmapuri District.

For Petitioner : Mr.P.K.Rajagopal

For R1 to R3 : Mr.R.Raman Laal
Additional Advocate General
Assisted by Mr.T.Venkatesh Kumar
Special Government Pleader

For R4 : Mr.Mohammed Rayaz Ali

W.P.No.27577 of 2012:

Sunnath Jamath Jamiya Mosque,
Upper Street, Palacode – 636 808,
Dharmapuri District,
Represented by its Mutawalli (President)
Mr.M.K.Mohammed Ali

... Petitioner

Vs.



W.P.Nos.8781 of 2006 & 27577 of
and C.R.P.No.3374 of 2008

1. Government of Tamil Nadu,
represented by its Secretary,
Backward Classes, Most Backward Classes &
Minorities Department,
Secretariat, Chennai – 600 009.

2. The Special Commissioner of Land Administration
Chepauk,
Chennai – 600 005.

3. The District Collector,
Dharmapuri.

4. The District Forest Officer,
Dharmapuri District,
Dharmapuri.

5. The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.7, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

... Respondents

[R4 impleaded as per order dated 24.04.2013 in
MP.No.1/2013 in WP.No.27577/2012]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorari, calling for the records pertaining to the
impugned order dated 27.09.2002 passed in Ref.No.Na.Ka.FT 2/2795/2001
passed by the 2nd respondent, quash the same.

For Petitioner

: Mr.P.K.Rajagopal



W.P.Nos.8781 of 2006 & 27577 of
and C.R.P.No.3374 of 2008

For R1 to R4

: Mr.R.Raman Laal
Additional Advocate General
Assisted by Mr.T.Venkatesh Kumar
Special Government Pleader

For R4

: Mr.Mohammed Rayaz Ali

C.R.P.No.3374 of 2008:

1.State of Tamil Nadu, rep by
The District Collector,
Dharmapuri.

2.The District Forest Officer,
Dharmapuri Division,
Dharmapuri.

... Petitioners

Vs.

Sunnath Jamat Jamia Mosque,
Palacode, rep. by its
Muthavli K.G.Mohammed Hasheem Ali,
Mel Vethi,
Palacode.

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the judgment and decree granted in C.M.A.No.9 of 2003, dated 15.09.2005 on the file of the Sub-Court, Dharmapuri confirmed by I.A.No.17/88 in O.S.No.607/82 dated 10.12.90 on the file of the District Munsif Court, Dharmapuri.

For Petitioners

: Mr.R.Raman Laal
Additional Advocate General
Assisted by Mr.T.Venkatesh Kumar
Special Government Pleader



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For Respondent : Mr.P.K.Rajagopal

COMMON ORDER

In view of the endorsement made by the learned counsel for the respondent / plaintiff that the plaintiff has chosen to withdraw the civil suit instituted in O.S.No.607 of 1982, no further adjudication is required. Since the suit has been withdrawn by the plaintiff, who is the respondent in the present civil revision petition. Accordingly, the District Munsif Court, Palacode is directed to close the suit filed in O.S.No.607 of 1982.

2. The learned counsel for the respondent in Civil Revision Petition further made a submission that liberty may be granted to approach the Tribunal, if it is so advised.

3. In view of the withdrawal of the civil suit, no further adjudication needs to be undertaken, since the very claim of the petitioner, which has been raised in the suit has now been withdrawn and the petitioner has chosen to approach the Wakf Tribunal for the purpose of adjudication of issues on



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4. Accordingly, all the Writ Petitions are disposed of. No costs. In view of the orders passed in the Writ Petitions, the Civil Revision Petition is also closed. Connected Miscellaneous Petition is closed.

21.08.2023

Jeni
Index:Yes
Speaking order
Neutral Citation:Yes

To

- 1.The Secretary,
Government of Tamil Nadu,
Backward Classes, Most Backward Classes &
Minorities Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Dharmapuri.
- 3.The District Forest Officer,
Dharmapuri District,
Dharmapuri.
- 4.The Secretary.
The Tamil Nadu Wakf Board,



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5.The Special Commissioner of Land Administration
Chepauk,
Chennai – 600 005.

6.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.7, Jaffer Syrang Street,
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S.M.SUBRAMANIAM, J.

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