



W.P.No.7071 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.7071 of 2020
and
W.M.P.No.8430 of 2020**

Qalandariya Trust,
Represented by A.Asam Basha,
The Managing Trustee,
No.1A, Alandur Road,
Guindy,
Chennai – 600 032.

... Petitioner

Vs.

1. The District Collector,
Chennai District,
Chennai – 600 032.
2. The District Revenue Officer,
Chennai District,
Guindy Taluk,
Chennai – 600 032.
3. The Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy,
Chennai – 600 032.



W.P.No.7071 of 2020

4. The Tahsildar,
Guindy Taluk,
Chennai – 600 032.

5. The Director,
King Institute of Preventive Medicine and Research,
Guindy, Chennai – 600 032.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the proceedings of the second respondent dated 25.02.2020 in J5/10231/2017 and quash the same as illegal and ultra vires and direct the respondents to permit the petitioner Trust and Muslim Community people to perform Sandhanakudam, Veethi Ula Ooralam and Urs function in Tomb/Dargah situated in T.S.No.1, Block No.6, Zamin Adyar Village, Guindy Taluk.

For Petitioner	:	Mr.T.S.Baskaran
For Respondents	:	Mr.M.Alagu Gowtham Government Advocate

ORDER

This Writ Petition has been filed to call for the records of the proceedings of the second respondent dated 25.02.2020 in J5/10231/2017, quash the same and direct the respondents to permit the petitioner Trust and Muslim Community people to perform Sandhanakudam, Veethi Ula Ooralam and Urs function in Tomb/Dargah situated in T.S.No.1, Block No.6, Zamin Adyar Village, Guindy Taluk.



W.P.No.7071 of 2020

WEB COPY

2. The case of the petitioner is that the petitioner Trust alleging that they are maintaining Tomb/Dargah in the petition mentioned property and there has been several round of litigations between the petitioner Trust and the revenue officials right from 2013 to till date. The land acquisition notices were issued, enquiries were held and orders were passed from time to time by the Revenue Department. In one such litigation, this Court passed an order setting aside the acquisition notice and directing the petitioner Trust to file an appeal before the second respondent. Pursuant to the said direction, the appeal filed by the petitioner was disposed by the District Revenue Officer by way of impugned order dated 25.02.2020. Challenging the same, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner submits that the petitioner Trust is having exclusive right for maintaining Tomb/Dargah from time immemorial, however the claim was rejected by the revenue officials without considering the documents submitted by the petitioner.



W.P.No.7071 of 2020

WEB COPY

4. The learned Government Advocate appearing for the respondents submits that already the fifth respondent initiated the land proceedings by issuing notices under Sections 6 and 7 and the said order was successfully challenged before the revisional authority and the same was confirmed by the Government vide G.O.(Ms)No.116, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section dated 18.03.2022.

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

6. Considering the facts and circumstances of the case that the petitioner Trust is having exclusive right and possession for maintaining Tomb/Dargah, however the claim was rejected by the revenue officials. The fact remains that it is purely a disputed question of facts in between the petitioner and the fifth respondent and it has to be resolved only by the appropriate forum.



W.P.No.7071 of 2020

WEB COPY

7. In such view of the matter, this Court without interfering the order impugned in this Writ Petition, grants liberty to the petitioner to approach the competent Civil Court to work out its remedy in the manner known to law. The competent Civil Court is directed to decide the issue without being influenced by any observation made in the impugned order.

8. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

12.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



W.P.No.7071 of 2020

WEB COPY

To

1. The District Collector,
Chennai District,
Chennai – 600 032.
2. The District Revenue Officer,
Chennai District,
Guindy Taluk,
Chennai – 600 032.
3. The Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy,
Chennai – 600 032.
4. The Tahsildar,
Guindy Taluk,
Chennai – 600 032.
5. The Director,
King Institute of Preventive Medicine and Research,
Guindy, Chennai – 600 032.



WEB COPY



W.P.No.7071 of 2020

M.DHANDAPANI,J.

vji

**W.P.No.7071 of 2020
and
W.M.P.No.8430 of 2020**

12.06.2023