



W.P.No.9924 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9924 of 2023

T.Rahman

... Petitioner

Vs.

1.The Chief Information Commissioner,
Tamilnadu State Chief Information Commission,
No.19, Government Farm Village, Fenepet,
Nandhanam,
Chennai – 600 035.

2.The First Appellate official,
The Assistant Commissioner,
Tamilnadu State Archives and Historical Research Centre,
Egmore,
Chennai – 600 008.

3.The Public Information Officer,
Tamilnadu State Archives and Historical Research Centre,
No.51, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 3rd respondent herein to issue the document of Title Deed bearing Reg.No.934 of 1870 dated



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10.02.1870 within the stipulated period of time, based on the petition dated 03.10.2022.

For Petitioner : Mr.R.Sunilkumar

For Respondents : Mr.C.Vigneswaran
Government Advocate [R1]
Mr.E.Veda Bagath Singh
Special Government Pleader [R2 & R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the third respondent herein to issue the document of Title Deed bearing Reg.No.934 of 1870 dated 10.02.1870 within the stipulated period of time, based on the petition dated 03.10.2022.

2. The case of the petitioner is that the petitioner is the Muthovali of Syed Sadar Avulia tomb & Pakiri Thakya Waqf and there was a lot of encroachment in the Wafq Board properties in and around said Waqf situated in Survey No.231, Nemili Town Panchayat, Nemili Taluk and Ranipet District. The property was alienated in favour of the Waqf by the Inam Commission vide title deed Document bearing Reg.No.934 of 1870 dated 10.02.1870. However, the title deed is not available with the



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petitioner, thereby, the petitioner made an application on 03.10.2022 before the third respondent for issuance of title deed and no order passed. Thereafter, the petitioner filed an appeal before the second respondent, even then, the respondents have not taken any action. Hence, the present writ petition is filed before this Court for appropriate directions.

3. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the third respondent to consider the petitioner's application dated 03.10.2022 and pass appropriate orders within a time frame that may be fixed by this Court.

4. However, this Court posted a question to the learned counsel for the petitioner that how the third respondent possess the title deed of the petitioner Waqf. In response, no document was produced before this Court with regard to possession of the title deed by the third respondent. In view of the same, no direction can be issued as against the third respondent. Hence, the prayer sought for by the petitioner cannot be granted and the writ petition is liable to be dismissed.



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5. Accordingly, the Writ Petition is dismissed. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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