



W.P.No.10070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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Sherkhan Sahbi Dargah Waqf,
Rep. by Muthavalli,
K.P. Tajudeen M/A,
No.3/A, Sherkhan Gori Lane,
Sunnambukkara Street,
Cuddalore O.T, Cuddalore District.

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai.
- 2.The Deputy Inspector General of Registration,
Cuddalore Region,
No.50 Sankara Naidu Street,
Thirupathiripuliyur,
Cuddalore District.
- 3.The District Registrar (Administration),
Registrar Office,
Chidambaram, Cuddalore District.
- 4.The Sub-Registrar,
Pudhuchathiram, Bhuvanagiri T.K.,
Cuddalore District.



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5.Mohameed Ghouse Malimar

6.S. Hameed Maraikayar

7.V. Radha Krishnan

8.V. Jayachandran

9.The Chairman,
Tamil Nadu WAQF Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

10.The Chief Executive Officer,
Tamil Nadu WAQF Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

11.The Superintendent of WAQF Office,
Noor Mohamed Sha Avulliya Daragha Campus,
No.512, Gandhi Road, Panruti – 607 106,
Cuddalore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent herein to pass an order by considering the representation of the petitioner dated 07.11.2022.

For Petitioner : Mrs.N. Premalatha

For Respondents : Mr.Yogesh Kannadasan, [R1 to R4]
Special Government Pleader
Mr.S.Haja Mohideen Gisthi [R9 to R11]



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ORDER

Heard Mrs.N. Premalatha, learned counsel for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader, for the respondents 1 to 4 and Mr.S.Haja Mohideen Gisthi, learned counsel, for the respondents 9 to 11.

2. Since this Court is directing the third respondent to consider the petitioner's representation, after giving due notice and opportunity to the respondents 5 to 8, notice to the respondents 5 to 8, is hereby dispensed with.

3. The petitioner herein had given a representation to the third respondent on 07.11.2022, seeking for cancellation of bogus documents which is registered in the Survey Nos.134/6, 134/10, 138/1, 138/6A, 139/3 and 138/4 in Villiyanallur Village, Cuddalore District illegal. Since the said representation was not considered, the present Writ Petition has been filed.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the third respondent, to consider the petitioner's representation dated 07.11.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons who may be interested in the subject property, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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6. With the above direction, the Writ Petition stands disposed of.

No costs.

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Speaking/Non-speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Inspector General of Registration,
Registration Department,
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Raja Annamalaipuram, Chennai.
- 2.The Deputy Inspector General of Registration,
Cuddalore Region,
No.50 Sankara Naidu Street,
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- 3.The District Registrar (Administration),
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- 4.The Sub-Registrar,
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- 5.The Chairman,
Tamil Nadu WAQF Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 6.The Chief Executive Officer,
Tamil Nadu WAQF Board,
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