



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.10679 of 2022 and
W.M.P.No.10312 of 2022

K.Tamizharasan

... Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri

2. The Tahsildar
Dharmapuri District, Dharmapuri

3. The Estate Officer
Wakf House
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001

4. The Muthawali
Khairathi Personal Inam Waqf
K.Naduhalli Village, Dharmapuri District

5. The Revenue Divisional Officer
Dharmapuri District, Dharmapuri

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records in the impugned proceedings of the 3rd respondent in Na.Ka.No.2729/12/ஆ2/தபரி dated 10.03.2022 and quash the same and consequently, forbearing the 1st and 2nd respondents from granting the patta in favor of the 4th respondent.



For Petitioner : Mr.S.A.Ragul Adhithya

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1, R2 and R5
Mr.R.Abdul Mubeen for R3
Mr.N.A.Nissar Ahmed for R4

ORDER

This Writ Petition is filed seeking to issue a writ of Certiorarified Mandamus to call for the records in the impugned proceedings of the 3rd respondent in Na.Ka.No.2729/12/ஆ2/தபரி dated 10.03.2022 and quash the same and consequently, forbearing the 1st and 2nd respondents from granting the patta in favor of the 4th respondent.

2. The petitioner purchased the subject properties in the year 2010 and prior to purchase of the said properties, the Settlement Officer had initiated proceedings and conducted enquiry with the revenue officials. Upon the satisfaction of the fulfilment of the conditions stated in the Act, 1963, the Settlement Officer was pleased to grant Ryotwari Patta in the year 1967 in favour of the petitioner's Vendor's ancestors confirming their title over the said properties. That being the case, the 3rd respondent/Wakf Board initiated



proceedings and issued notice on 13.08.2021 under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants), Act 1975. Pursuant to which, the 3rd respondent/Wakf Board has sent a communication to the 1st and 2nd respondents to consider the case of granting patta in favour of the 4th respondent. Challenging the said communication, the present petition is filed.

3. The learned counsel for the petitioner submitted that before making the recommendation, the 3rd respondent/Wakf Board had not issued notice to the petitioner and the petitioner was not heard and without giving opportunity to the petitioner, the recommendation has been made arbitrarily. Therefore, the impugned proceedings of the 3rd respondent has to be quashed.

4. The learned counsel for the 3rd respondent/Wakf Board submitted that already the eviction proceedings were initiated and the petitioner without submitting relevant documents, has filed the writ petition before this Court and also got an interim stay due to which, they are unable to arrive at a conclusion. The learned counsel further submitted that it is only a simple recommendation which is nothing to do with the pending proceedings.



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5. Heard both sides and perused the materials available on record.

6. Admittedly, there is a dispute as to whether the subject property is a Wakf property or a private property. Further, the eviction proceedings have already been initiated and the same is pending. Therefore, the petitioner is not entitled to the relief sought for in this writ petition. The petitioner is at liberty to appear and make all his submissions before the pending proceedings.

7. With the above liberty, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

20.12.2023
(2/2)

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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