



WEB COPY



W.P. Nos.1818 to 1820 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

and

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. Nos.1818 to 1820 of 2018

and

W.M.P. Nos.2234 to 2242 of 2018

D.Dhanavel Petitioner in W.P. No.1818 of 2018

S.R. Govindasamy Petitioner in W.P. No.1819 of 2018

Ramadev @ K. Daruram Petitioner in W.P. No.1820 of 2018

v

1 The Additional Chief Secretary
Commissioner of Land Administration
Chepauk
Chennai 600 005

2 The District Collector
Vellore District

3 The District Revenue Officer
Vellore District

4 The Revenue Divisional Officer
Ranipete
Vellore District

5 The Tahsildar
Walajapet Taluk
Vellore District

6 The Muthavalli
Navalpur Jamiya Masjid
Ranipet, Vellore District

Respondents in all WPs.



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Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records pertaining to the notice dated 24.04.2017 issued under Section 7 of the Tamil Nadu Land Encroachment Act and the notice dated 10.05.2017 under Section 6, *ibid.*, by the fifth respondent and the consequential order made in Na.Ka.D3/2028/2017 dated 17.07.2017 passed by the second respondent and order made in T2/22143/2017 dated 16.12.2017 issued by the first respondent and quash the same and consequently, forbearing the respondents from disturbing the petitioner's possession of the property comprised of Old S.No.159 Part and T.S. No.116 in Ward No.B, Block No.6, measuring about 1,225 sq. ft. situated at Door No.35A/2, M.B.T. Road, Navalpur, Ranipet, Vellore District.

For petitioner	Mr. G. Pugazhenth
For RR 1 to 5	Mr. A. Selvendran Special Government Pleader
For R6	Mr. Mohammed Farook

COMMON ORDER

(made by S. VAIDYANATHAN, J.)

These writ petitions have been filed challenging the notice dated 24.04.2017 under Section 7 of the Tamil Nadu Land Encroachment Act and the notice dated 10.05.2017 under Section 6, *ibid.*, both issued by the fifth



respondent and the consequential order dated 17.07.2017 passed by the second respondent and the order dated 16.12.2017 passed by the first respondent and for a direction restraining the respondents from disturbing the petitioner's possession of the property comprised of Old S.No.159 Part and T.S. No.116 in Ward No.B, Block No.6, measuring about 1,225 sq. ft. situated at Door No.35A/2, M.B.T. Road, Navalpur, Ranipet, Vellore District.

2 It is the case of the petitioners that the property in question belongs to the wakf and the authorities have no jurisdiction to issue a notice under Section 7, *ibid.*, which was the subject matter of the writ petitions in W.P.Nos.22639 to 22641 of 2017 by them and aggrieved by the said notice, appeals and revisions were filed by them; in the said writ petitions, *vide* order dated 24.08.2017, it was held that depending upon the disposal of the revision petition filed by them before the Commissioner, Land Administration as well as the suits filed by the fifth respondent, the petitioners are at liberty to work out their remedy insofar as the request seeking issuance of patta, in accordance with law.

3 Be it noted, the revisions preferred by the petitioners have been dismissed *vide* proceedings dated 16.12.2017 of the first respondent holding



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removal of encroachments. During the pendency of the instant writ petitions, the petitioners have approached the Wakf Tribunal by filing suits which are now pending as O.S. Nos.332 to 334 of 2019, wherein, the petitioners have sought the relief of declaration that the notice issued by the sixth respondent therein claiming muthavalli is bad, besides seeking consequential relief.

4 Now that the matter is subjudice before the Wakf Tribunal, we are not inclined to grant any relief to the petitioners and it is for the parties to work out their remedy before the Wakf Tribunal, which is expected to take up the matter and give a quietus to the issue at the earliest, given the fact that the suits have been pending for more than four years. Needless to state, it is open to the parties to urge all their legal and factual submissions before the Wakf Tribunal, which shall be considered in accordance with law.

With the above directions, these writ petitions stand disposed of. Costs made easy. Connected W.M.Ps. are closed.

(S.V.N., J.) (K.R.S., J.)
12.10.2023

cad



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and
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Common order in
W.P. Nos.1818 to 1820 of 2018

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