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W.P.No.22214 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22214 of 2023

K.Babu Sahib

...Petitioner

Vs.

- 1.The State rep by its Secretary
Backward Classes and Most backward Classes
and Minority Affairs,
St.Fort George,
Chennai-600 009.
- 2.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 4.The Superintendent of Wakf,
Villupuram Zone,
Having Office at 512,

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Cuddalore.

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5. The Sub-Registrar,
Gingee, Villupuram District

6.S.R.Syed Abdul Majeed

7.Gingee Education Trust

Rep by its Managing Trustees,

S.R.Syed Abdul Majeed,

No.46,Chatira Street,

Gingee Town, Gingee Taluk,

Villupuram District.

8. M/S.Clix Capital Services Pvt.Ltd,

Rep. By its Authorised Signatory

Krishnakumar

Mount Road,

Chennai.

Head Office at

901B, 9th floor, Two Horizon Centre,

D.L.F Phase-V, Gurgaon.

9.Karur Vysya Bank Limited

Registered office at Erode Road,

Karur-639 002.

..Respondents.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of mandamus, directing the respondents 2 and 3 to retrieve the wakf properties of all that piece and parcel of land and building in S.No.12 measuring to an extent of 6 acres and 13 cents in Gingee village and Taluk, Villupuram District which is belongs to Gingee Idga Wakf, Gingee, Villupuram



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District by directing the 5th respondent not to register or entertain any kind of documents present for registration in the above said wakf property on basis of the respondent's letter in Na.Ka.1747/18/B4/Villu dated 25.10.2019.

For Petitioner
For Respondents 1 & 5

: Mr.A.Ilayaperumal
: Mr.N.Naveen Kumar
Government Advocate

For respondents 2 to 4

: Mr.S.Haja Mohideen Gisthi
Standing Counsel (Wakf Board)

ORDER

The petitioner herein seeks a direction to 2nd and 3rd respondents to retrieve the wakf properties in Survey.No.12 measuring to an extent of 6 acres and 13 cents in Gingee village and Taluk, Villupuram District which is belongs to Gingee Idga Wakf, Gingee, Villupuram District and the petitioner also seeks a direction to 5th respondent not to register or entertain any kind of documents presented for registration in respect of the said properties.

2. It is the case of the petitioner that he is the son of erstwhile hereditary Muthavalli of the Gingee Idga Wakf. He approached the Wakf Board for his appointment of Muthavalli and the same was refused. It is the case of the petitioner that Wakf property has been encroached by third parties and in this



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regard he submitted a representation on 08.03.2022 to the District Collector seeking action for retrieval of the Wakf property encroached by third parties.

The District Collector by his proceedings dated 22.03.2022 forwarded the same to the 4th respondent herein. Since no action was taken by the 4th respondent, the petitioner has come up with this writ petition seeking retrieval of wakf property. Additionally, the petitioner also sought for a direction to 5th respondent not to register any documents presented for registration in respect of the above said wakf properties.

3. Mr.N.Naveen Kumar, learned Government Advocate takes notice for the 1st and 5th respondents. Mr.S.Haja Mohideen Gisthi, learned Standing Counsel (Wakf Board) takes notice for the respondents 2 to 4.

4. The learned Standing Counsel for the respondents 2 to 4 on instructions submits that the petitioner already filed a suit in O.S.No.350 of 2019 on the file of the Wakf Tribunal seeking declaration that the above said properties of Wakf belongs to Gingee Idga Wakf. The said suit is still pending.



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5. In view of the fact that the petitioner already moved Wakf Tribunal seeking declaration with regard to the status of the properties in question, this Court is not inclined to entertain the prayer made by the petitioner. However, the 4th is directed to forward the representation submitted by the petitioner dated 08.03.2022 to the 3rd respondent within a period of two weeks from today and the 3rd respondent is directed to consider the same and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of representation from the 4th respondent.

6. With the above directions, this writ petition is disposed of. No costs.

27.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.
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