



WEB COPY



W.P.No.25375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25375 of 2023

H.Mohammed Sajath

...Petitioner

Vs.

1.The Chief Executive Officer
Tamil Nadu Wakf Boar
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar,
Chennai-1.

2.Syed Akthar Hussain

3.The Superintendent of Wakfs
Chennai Zone
Tamil Nadu Wakf Board
No.139A, Dr.Besant Road
Triplicane, Chennai -5.

4.The Assistant Director of Survey
Tahsildar Office
Purasaiwalkam, No.3, Raja Muthaiah Street
Periamet, Chennai – 3.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to survey the property in R.S.Nos.2811/30, 27, Dargah Street, Dadashamakkan, Chennai -12 as sought vide representation dated 06.05.2023 made by the petitioner and the proceedings of the third respondent dated 18.07.2023 in Na.Ka.G.S.168/Che/Va.Ka/2023.

For Petitioner : Mr.I.Kowser Nissar

For Respondents : Mr.S.Haja Mohideen Gisthi
Senior Standing Counsel
for R1 & R3

Mrs.S.Anitha, for R4
Special Government Pleader

ORDER

The petitioner is seeking a direction to the fourth respondent to survey the property in Rs.2811/30, 27, Dargah Street, Dadashamakkan, Chennai-12, as per his representation dated 06.05.2023.

2. According to the petitioner, the Dadashamakkan wakf is registered and notified wakf and the second respondent allegedly encroached



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105 sq.ft., of wakf property. On the basis of the representation made by the petitioner and also an order passed by this Court, the first respondent conducted an enquiry and passed an order directing the third respondent herein to survey the disputed property in R.S.No.2811/30 with the help of the fourth respondent. In spite of repeated demands, the fourth respondent failed to survey the disputed property. The petitioner made a representation to the fourth respondent requesting him to survey the property as per directions issued by the first respondent to the third respondent. The third respondent also by his proceedings dated 18.07.2023 requested the fourth respondent to survey the property. Till date, the fourth respondent has not taken any steps to survey the property. Therefore, the petitioner is before this Court.

3. Mr.S.Haja Mohideen Gisthi, learned Senior Standing Counsel takes notice for the respondents 1 & 3 and Mrs.S.Anitha, learned Special Government Pleader takes notice for the fourth respondent.

4. In view of the limited prayer made by the writ petitioner seeking survey of the property in dispute based on his representation, this Court is inclined to issue a direction to the fourth respondent to consider the



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representation submitted by the petitioner dated 06.05.2023 and take steps for surveying the property after issuing notice to the second respondent. Entire process shall be completed by the fourth respondent within a period of 8 weeks from the date of receipt of copy of this order. The copy of the survey report shall be communicated to the petitioner as well as second respondent. It is needless to say that the petitioner must pay necessary charges to the fourth respondent for surveying the properties.

5. With the above direction, this Writ Petition is disposed of. No costs.

29.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



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