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W.A.No.3725 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.3725 of 2019

K.S.A.Mohammed Sheriff .. Appellant

v.

1. The Revenue Divisional Officer
Salem

2. The Secretary
Tamil Nadu Wakf Board
Santhome High Road
Chennai 600 004

3. Rokia Begam
W/o Abdul Rasheed

4. Latif Ahmed
S/o Abdul Rasheed

5. Ahmad Rafiq
S/o Abdul Rasheed



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6. Shabeek Muhammad
S/o Abdul Rasheed

7. Ahmad Rafiq
S/o Abdul Rasheed

8. Kuthusiya Begam
D/o Abdul Rasheed

9. R.Faridha Begam
D/o Abdul Rasheed

10. Ayyakutti Gounder
S/o Kalitha Gounder

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 31.07.2009 made in W.P.No.44558 of 2006.

For Appellant :: Mr.R.Nalliyappan

For Respondents :: Mr.U.M.Ravichandran
Special Government Pleader for R1
Mr.Avinash Wadhwani for R2
R3 to R10 given up
vide batta endorsement

JUDGMENT

(Judgment of the Court was made by D.KRISHNAKUMAR,J.)

The unsuccessful writ petitioner has filed this intra-Court appeal aggrieved by the order dated 31.07.2009 passed in Writ Petition No.44558



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of 2006.

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2. When the matter was taken up, both the learned counsel appearing for the appellant and the learned counsel appearing for the second respondent fairly submitted that the challenge made to the very same impugned order by one of the subsequent purchasers like the appellant herein, has been negatived by this Court vide the order dated 26.09.2011 passed in Writ Appeal No.1208 of 2011 and the aforesaid decision is squarely applicable to this case also.

3. We have also perused the order in W.A.No.1208 of 2011 dated 26.09.2011 passed at the instance of one of the subsequent purchasers like the appellant herein, whereby the said writ appeal came to be dismissed, confirming the order passed by the writ Court as well as the order passed by the Revenue Divisional Officer, Salem cancelling the ryotwari patta issued in favour of one Abdul Rasheed in respect of the land in Survey Nos.145, 159 and 222 measuring an extent of 6.19 acres situate in Kumarasamipatti Revenue Village, Salem Taluk and ordering resumption and vesting of the said land with the Wakf Board, on the ground that the subsequent



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purchasers do not have any legal right to hold the property and there is no necessity for the competent authority to put them on notice, as they are not necessary parties to the proceedings initiated under the provisions of Act 30 of 1963.

4. In the light of the aforesaid decision, since the appellant herein is also similarly placed like that of the appellant in W.A.No.1208 of 2011 and finding no grounds whatsoever to interfere with the order passed by the writ Court, this writ appeal stands dismissed. Consequently, C.M.P.No.23691 of 2019 is also dismissed. There shall be no order as to costs.

(D.K.K.,J.) (P.B.B,J.)
17.08.2023

Index : yes/no
Neutral citation : yes/no

ss

To

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D.KRISHNAKUMAR,J.

AND

P.B.BALAJI,J.

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