



W.P(MD)No.8143 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8143 of 2023 and
WMP(MD) No.7537 of 2023

Shamiyan Sahib

...Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

2.The District Registrar,
Trichy District.

3.The Sub Registrar,
Trichy District.

4.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1 Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

5.The Inspector of Waqf,
M.G.Complex,
Palakarai,
Trichy District – 620 008.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records in impugned letter dated 11.08.2022 issued by the fourth respondent and quash the same as illegal, ultravires and unconstitutional insofar as the properties bearing Survey Nos.122/1, 140/1, 140/2, 140/3, 142/1, 144, 146, 185/1, 185/2, 189/1,191/1, 194/3, 271/1, 271/11, 271/2, 271/8, 271/9, 654/3, 634/3, 610/5A, 610/5C and 514/1.

For Petitioner	: Mr.S.Ramesh
For R1 to R3	: Mr.T.Amjad Khan Government Advocate
For R4 & R5	: Mr.G.Chandrasekar

ORDER

This writ petition is filed as against the communication of the fourth respondent/Chief Executive Officer of the Waqf Board to all the Sub Registrars of Trichy District, dated 11.08.2022.

2.By the impugned communication, the Chief Executive Officer of the Waqf Board has sent a communication to all the Sub Registrars of the Trichy District, enclosing a list of properties under Survey Nos.122/1, 140/1, 140/2, 140/3, 142/1, 144, 146, 185/1,



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185/2, 189/1, 191/1, 194/3, 271/1, 271/11, 271/2, 271/8, 271/9, 654/3, 634/3, 610/5A, 610/5C and 514/1 that the mentioned properties are the Waqf properties and there shall not be any alienation of the said properties without obtaining No Objection from the fourth respondent.

3.The case of the petitioner is that some of the petitioner's patta lands are also listed in the communication impugned in this writ petition inadvertently. Hence, he sought for an interference of this Court by setting aside the communication dated 11.08.2022 insofar as the petitioner's properties are concerned.

4.The learned counsel, who takes notice for the respondents 4 & 5 submits that the petitioner has already preferred an appeal before the District Revenue Officer in Na.Ka.No. B5/1088/2018 dated 12.01.2018 that his patta lands vide Patta Nos. 872, 884, 1223, 1325, 1296, 3758, 220 and 1289 have been wrongly included as the Waqf properties and the appeal is pending for the



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past five years. The petitioner has also filed a writ petition before this Court in W.P(MD) No.2370 of 2023 for a Mandamus, directing the District Revenue Officer to dispose of the appeal dated 12.01.2018 within a time frame. This Court, by order dated 07.02.2023 has allowed that writ petition with a direction to the District Revenue Officer, Trichy to conclude the proceedings in Na.Ka.No.B5/1088/2018 dated 12.01.2018 within a period of 12 weeks from the date of receipt of a copy of that order. According to the learned counsel, even before passing of the order by the District Revenue Officer, Trichy on the appeal, the petitioner has hurriedly approached this Court and therefore, this writ petition is liable to be dismissed.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The case of the petitioner is that the petitioner's patta lands are wrongly included as Waqf properties and the fourth



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respondent/the Chief Executive officer of the Waqf Board has also sent a written communication to all the Sub Registrars of the Trichy District that the lands mentioned in the communication, including the petitioner's lands shall not be alienated without obtaining No Objection from the fourth respondent. It appears that the petitioner has already raised this issue before the District Revenue Officer as early as in the year 2018 in Na.Ka.No.B5/1088/2018 and the same is still pending. In earlier occasion, the petitioner has approached this Court for a Mandamus in W.P(MD)No.2370 of 2023 for an early disposal of the appeal and this Court has also disposed of that writ petition on 07.02.2023 with a direction to the District Revenue Officer to conclude the appeal within a period of twelve weeks and as of now eight weeks is over.

7.In view of the above, this Court without expressing anything on the merits of this writ petition, is inclined to dispose of this writ petition with a direction to the District Revenue Officer, Trichy to conclude the proceedings as expeditiously as possible,



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even prior to the period prescribed by this Court in W.P(MD) No. 2370 of 2013. In any event, the District Revenue Officer shall not take any further time than the period granted by this Court in the above writ petition. The petitioner is at liberty to submit a fresh representation to the fourth respondent on the outcome of the appeal filed by the petitioner before the District Revenue Officer, Trichy. Registry is directed to mark a copy of this Order to the District Revenue Officer, Trichy.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12.04.2023

Index: Yes
Internet: Yes
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