



W.P(MD)No.9153 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9153 of 2023
and
W.M.P(MD) No.8274 of 2023

Mahaboobpalayam Sunnathul Jamaath Masjid,
Represented by its President S.Nijamalikhan,
No.32, Ansarinager 5th Street,
Mahaboobpalayam,
Madurai - 625 016.

... Petitioner

Vs.

1.The District Collector
O/o. the District Collectorate Campus,
Madurai,
Madurai District.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Madurai,
Madurai District.

3.The Thasildhar
O/o. the Thasildhar,
Madurai West Taluk,
Madurai.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent to grant patta in respect of New S.No.1617/2 and Old S.No.218 to an extent of 46 cents situated in Ponmeni Village, Madurai Taluk, allotted to the petitioner's Wakf vide proceedings of the Board of revenues No.2698 Mis dated 19.07.1912, for the purpose of usages as a 'Mohamadian Burial Ground' to the persons belonging to 13 Mahallas including the various Pallivasal situated in and around Mahaboobpalayam, Madurai , and by considering the petitioner's representation dated 10.03.2023.

For Petitioner : Mr.H.Mohammed Imran,
for M/s.Ajmal Associates

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against the third respondent /Tahsildar, Madurai West Taluk, Madurai, to grant patta with respect to the lands in Survey



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No.1617/2, Old Survey No.218 totally measuring 46 cents at Ponmeni Village, Madurai Taluk, which had been allotted to the petitioner, Mahaboobpalayam Sunnathul Jamath Masid, by proceedings of the Board of Revenue No.2698 Miscellaneous dated 19.07.1912 for the purpose of using the same as 'Mohamadian Burial Ground'. A representation had been given on 10.03.2023.

2. In the affidavit filed in support of the writ petition, which had been filed by the President of Pallivasal, it had been stated that the said land had been used as a burial ground about 13 Mahallas including various Pallivasal and all the public belonging to Mohammadian religion in that particular area. As of now, the petitioner is able to use only 12 cents of lands.

3. It is only appropriate that necessary inspection is made of the available lands by the third respondent and examine the original grant to the petitioner herein and demarcate a reasonable place which originally was 46 cents but atleast if not to that particular extent to the



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extent over Wwhich effective use can be made and if there are encroachers, identify the said encroachers so that the petitioner can take necessary steps in that regard and if there are no other objections, proceed to grant patta for the available land. The entire exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order. The third respondent may issue notice to the petitioner herein and then conduct an inspection and then examine the records and then pass necessary orders.

4. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.04.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

RM

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