



W.A.(MD)No.1418 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1418 of 2022
and
CMP(MD)Nos.11451 of 2022 & 453 of 2023**

V.G.Nagarajan

: Appellant

Vs.

- 1.The Commissioner of Police,
Thiruchirappalli City Police,
Subramaniapuram,
Trichy.
- 2.The Assistant Commissioner of Police,
Law and Order,
Srirengam,
Trichy.
- 3.The Inspector of Police,
Thillainagar Police Station,
Trichy – 18.
- 4.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
Chennai – 1.



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5. The President,
Executive Committee,
Anar Bagh Dargah and Kabaragthan Wakf
Muthulangkollai,
Tennur General Bazar,
Thiruchirappalli.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 13.04.2022 in W.P(MD)No.2964 of 2013.

For Appellant : Mr.V.R.Shanmuganathan

For Respondents : Mr.Veeranthiran
Govt. Advocate (crl. Side) (for R1 to R3)

Mr.S.A.Ajmalkhan (for R4)
Mr.T.Antony Arul Raj (for R5)

JUDGMENT

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The appellant is aggrieved by the finding rendered by the Writ Court in his writ petition challenging the communication of the Wakf Board to the Sub-Registrar, Tiruchirappalli requiring him not to register any document relating to the property in S.F.Nos.806 and 807 measuring an extent of 2.14 acres in Pudhur Village, Trichy Town.



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2.The petitioner contended before the Writ Court that even as per the Gazette publication dated 10.12.1958, the extent of the property of the fifth respondent Wakf is only about 2.5 sq.mts. The Writ Court, while hearing the writ petition, had rendered a finding that the extent has been wrongly mentioned in the notification and it is a typographical error. This finding has to be necessarily set aside because that is not the subject matter of the writ petition itself. The communication impugned in the writ petition dated 28.05.2010 was beyond the powers of the Executive Officer of the Tamil Nadu Wakf Board, inasmuch as Rule 22A, which enables the refusal of the registration of the document relating to the religious institution as it is existed at the relevant time, was struck down by this Court. Therefore, the Writ Court ought to have allowed the writ petition.

3.It is now stated that the Wakf Board had filed the suit in O.S.No.7 of 2012 before the Wakf Tribunal, which came to be dismissed for default and an application to restore the suit in I.A.No.332 of 2021, is pending. Therefore, the rights of the parties are left to be worked out before the Wakf Tribunal in the pending proceedings. All the observations of the Writ Court will stand deleted. The Wakf Tribunal will decide the issue of title independent of this observation.



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4. With the above observations, this Writ Appeal is disposed of. No costs. Consequently, connected CMP(MD)No.11451 of 2022 is closed. In view of the disposal of the writ appeal, the petition in CMP(MD)No.453 of 2023 to vacate the order of interim stay is also closed. No costs.

[R.S.M.,J] (L.V.G.,J]
09.03.2023

skn

NCC : Yes/No

Index : Yes / No

Internet : Yes

To

1. The Commissioner of Police,
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