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W.P.(MD)NO.24297 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24297 of 2023

Abdul Aleem

... Petitioner

Vs.

1. The District Collector,
O/o.Trichy Collector Office,
Tiruchirappalli.
2. The Revenue Divisional Officer,
O/o.Srirangam,
Tiruchirappalli.
3. The Revenue Divisional Officer,
O/o.Trichy Collector Office,
Tiruchirappalli.
4. Alima Bevi
5. Naina Mohammed
6. Kamarunnisha
7. Shahul Hameed
8. Fathima Beevi
9. Abdul Raheem
- 10.Abdul Kani



11. Ayubhkhan

12. Fathima Beevi

13. Kulanthai Raj

14. Iruthaiyamery

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.2 to allow the petitioner as the implead petitioner in the proceeding pertaining to the notice in Na.Ka.No.A5/2194/2023 dated 29.08.2023 sent by respondent No.2 and consider the petitioner's representation sent on 23.08.2023.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

2. The case of the petitioner is that the petition-mentioned land is a wakf property. It is alleged that



the patta was erroneously mutated in favour of the private respondents. Questioning the same, an appeal was filed before the jurisdictional Revenue Divisional Officer. One Nijamudheen has taken initiative in the matter and filed W.P. (MD)No.17245 of 2023. It has been disposed of on 18.07.2023 in the following terms:-

“3. From the submissions of the learned Special Government Pleader, it appears that instead of filing the appeal before the Revenue Divisional Officer, Srirangam, the petitioner has filed it before the Revenue Divisional Officer, Trichy and the same has been forwarded to the Revenue Divisional Officer, Srirangam on 12.05.2023. It is not known whether the application has reached the concerned authority or not.

4. In view of the above, this writ petition is disposed of with a direction to the Revenue Divisional Officer, Srirangam to dispose of the application within a period of six weeks from the date of receipt of a copy of this order. The



petitioner is at liberty to file a fresh application before the Revenue Divisional Officer, Srirangam, along with the necessary records, if any. No costs."

3. The apprehension of the petitioner is that the said Nijamudheen now may not actively prosecute the appeal.

4. I do not want to render any finding on this allegation. Because it would cast aspersion against Nijamudheen. Nijamudheen is not before this Court. However, in matters such as this where the properties endowed for religious purposes, any devotee can be considered as an interested person. The petitioner claims to be a member of Mohaideen Andavar Masjid. The petitioner is permitted to intervene in the appeal proceedings. The Revenue Divisional officer, Srirangam shall permit the petitioner to espouse the cause of the wakf. This writ petition stands disposed of accordingly. No costs.

06.10.2023

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

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O/o.Trichy Collector Office,
Tiruchirappalli.
2. The Revenue Divisional Officer,
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Tiruchirappalli.
3. The Revenue Divisional Officer,
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Tiruchirappalli.



WEB COPY



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G.R.SWAMINATHAN,J.

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