



W.P. (MD) No. 27579 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 27579 of 2022

A.Abdullah

... Petitioner

Vs.

1. The Chairman,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Chennai - 600 001.
3. The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Madurai and Ramnad District Zone,
No.159/3, Therpasayanam Road,
Vellipattinam, Ramanathapuram - 623 504.
4. Pudur Periya Pallivasal Wakf,
Represented by Managing Trustee,
Regd. No.109/ Ramnad, Pudur,
Ilayangudi - 630 709, Sivagangai District.



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5. The District Registrar Cum Registrar of Society,
Sivagangai District,
No.1 Thirupathur Road,
Sivagangai - 630 561.

6. M.A.S.E.Nasar,
S/o.Ebrahimsha Rowther, President,
Pudur Islamic Youth Association, Pudur,
Ilayangudi, Sivaganga District.
(R6 is impleaded *vide* Court Order dated
13.12.2022 in WMP(MD) No.22214/2022
in W.P.(MD) No.27579/2022 by PDAJ)

7. A.Subukhan
(R7 is impleaded *vide* Court Order dated
25.01.2023 in WMP(MD) No.933/2023
in W.P.(MD) No.27579/2022 by PDAJ)

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the respondents 1 and 2 herein to consider the representation dated 11.02.2022 of the petitioner to declare the Shopping Complex and land measuring to an extent of 1588 Sq.ft. comprised in Old Survey No.393/5, New Survey No.393/5B and 6D situated at Gandhiji Road, Sothugudi Group, Poochenthal Village, Ilayangudi Taluk, Sivagangai District as wakf property under the Wakf Act 2013 u/s. 40(3).

For Petitioner : Mr. T.Selvan

For Respondents 1 - 3 : Mr. G.Chandrasekar

For Respondent No.4 : No Appearance



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For Respondent No.5 : Mr. D.Gandhiraj
Special Government Pleader

For Respondent No.6 : Mr. Selvakumar

For Respondent No.7 : Mr. D.Senthil

ORDER

Heard Mr. T.Selvan, Learned Counsel for the Petitioner, Mr. G.Chandrasekar, Learned Counsel for the First to Third Respondents, Mr. D.Gandhiraj, Learned Special Government Pleader appearing for the Fifth Respondent, Mr.V.Selvakumar, Learned Counsel for the Sixth Respondent and Mr. D.Senthil, learned Counsel for the Seventh Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First and Second Respondents to pass orders on the representation dated 11.02.2022 made by the Petitioner to declare the Shopping Complex and land measuring to an extent of 1588 Sq.ft. comprised in Old Survey No.393/5, New Survey No.393/5B and 6D situated at Gandhiji Road, Sothugudi Group, Poochenthal Village, Ilayangudi Taluk, Sivagangai District, as Wakf Property.



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3. The Seventh Respondent, who has been impleaded by order dated 25.01.2023 in W.M.P. (MD) No. 933 of 2023, contends that the property belongs to the Pudur Islamic Youth Association and the Petitioner cannot claim that the said property belongs to the Waqf Board.

4. Learned Counsel for the First to Third Respondents, on instructions, states that enquiry on the said representation dated 11.02.2022 made by the Petitioner has commenced on 25.01.2023 and its copy has been placed on record.

5. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 11.02.2022 made by the Petitioner including ascertaining as to whether the Petitioner and the Seventh Respondent would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary,



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the deficiencies in that regard shall be informed in writing to the Petitioner and the Seventh Respondent requiring the same to be furnished within a time frame of not less than 15 days for the same;

- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and the Seventh Respondent and all other persons concerned to explain their position in that regard; and
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment.
- (v) the report of such compliance shall be filed by 30.06.2023 before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

16.02.2023

Index : Yes/No

Internet : Yes /No

sj

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Note : Issue copy of the order by 16.06.2023

To

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Chennai - 600 001.
2. The Chief Executive Officer,
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4. Pudur Periya Pallivasal Wakf,
Represented by Managing Trustee,
Regd. No.109/ Ramnad, Pudur,
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5. The District Registrar Cum Registrar of Society,
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P.D. AUDIKESAVALU, J.

sj

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