



WEB COPY



W.P.No.2669 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2669 of 2024

M.Javid Ali

.. Petitioner

VS

- 1.The District Collector,
District Collectorate Office,
Villupuram District.
- 2.The Sub-Collector,
Tindivanam, Villupuram District.
- 3.The District Revenue Officer,
District Collectorate Office Campus,
Villupuram.
- 4.The Revenue Divisional Officer,
Tindivanam.
- 5.The Tahsildar,
Tahsildhar Office,
Gingee, Villupuram District.
- 6.The Chief Executive Officer,
Tamil Nadu Wakf Board, Chennai-1.



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7. The Superintendent of Wakfs,
Villupuram and Cuddalore District,
No.512, Gandhi Street, Panruti,
Villupuram District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 1 to 5, their man, agents and subordinates from anyway interfering with the petitioner's peaceful possession and enjoyment of the properties situated at S.F.No.59/1 to an extent of 2.69.0 hectares, Sittampoondi and S.F.No.79 to an extent of 5.57.0 hectares Sirukadambur, Gingee Taluk, Villupuram District without due process of law.

For the Petitioner : Mr.K.Sathishkumar

For the Respondents : Mr.Haja Nazirudeen
Addl. Advocate-General
assisted by
Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 to 5

: Mr.Haja Mohideen Gisthi
for respondents 6 and 7

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.K.Sathishkumar, learned counsel for the petitioner; Mr.Haja Nazirudeen, learned Additional Advocate-



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General, assisted by Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 to 5; and, Mr.Haja Mohideen Gisthi, learned counsel for respondents 6 and 7.

2. The petitioner seeks directions against respondents 1 to 5 from interfering with the petitioner's peaceful possession and enjoyment of the waqf properties situated in S.F.No.59/1 and S.F.No.79.

3. Learned counsel for the petitioner submits that the petitioner had filed a suit before the Waqf Tribunal, in which the government authorities are parties. The said suit is pending and now the respondents are trying to evict the petitioner.

4. In the writ petition, there is no relief sought with regard to any order of eviction or notice of eviction. The suit is already pending between the parties. It is for the petitioner to seek appropriate relief in the pending suit or may take such other



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proceedings as may be permissible under law. As against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, appeal lies under Section 10 of the said Act before the District Collector. If any appeal is filed, all contentions of the respective parties are kept open.

5. With these observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.2947 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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