



WEB COPY



W.P.No.6224 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6224 of 2019

And

M.P.Nos.7065 of 2019 and 24588 of 2021

1.M.Sekar

2.M.Elavarasan

... Petitioners

Vs.

1.Tamil Nadu Wakf Board

Rep. by its Chief Executive Officer

No.1, Jaffer Syrang Street,

Vallal Seedhakadhi Nagar,

Mannadi,

Chennai – 600 001.

2.Dekishpet Mosque @ Masjid-e-Rahmath Wakf

Dharmapuri Town & Taluk

Dharmapuri District.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent pertaining to the proceedings in Proc.No.976/18/C2/DPI dated 18.12.2018 and quash the same.

For Petitioners : Mr.T.Deeraj

for M/s.P.Valliappan

For Respondents : Mr.Md.Fayaz Ali for R1

M/s.A.Ajimath Begam for R2



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ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari calling for the records of the first respondent pertaining to the proceedings in Proc.No.976/18/C2/DPI dated 18.12.2018 and quash the same.

2.The learned counsel appearing for the petitioners submitted that the first respondent issued notice dated 06.09.2018 calling upon the petitioners to appear for enquiry under Section 54 of the Wakf Act, 1995 and thereafter issued the impugned order as if the petitioners encroached the Wakf property, which is not sustainable one.

3.The learned counsel appearing for the first respondent submitted that the first respondent already taken decision that the petitioners encroached the land belonging to the second respondent and further submitted that the first respondent will file necessary application before the Wakf Tribunal.

4.In reply, the learned counsel appearing for the petitioners submitted that in the event of the first respondent approaching the



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Wakf Tribunal, liberty may be granted to the petitioners to participate in the proceedings and file their objections.

5.Considering the submissions made on either side, this Court, without going into the merits of the case, grants liberty to the the first respondent to file necessary application before the Wakf Tribunal. In the event of the first respondent approaching the Wakf Tribunal, the petitioners are granted liberty to participate in the proceedings and file their objections. Till such time, the first respondent shall not take any coercive steps as against the petitioners.

6.The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

02.09.2024

pri
Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer
No.1, Jaffer Syrang Street,
Vallal Seedhakadhi Nagar,
Mannadi,
Chennai – 600 001.

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M.DHANDAPANI,J.
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