



W.P.No.7233 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7233 of 2020

S.D.Syed Basheer

...Petitioner

Vs.

1. The Special Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai-600 001.
2. The Superintendent of Wakfs,
Poonamallee Zone,
Poonamallee Big Mosque,
Poonamallee, Chennai-56.
3. Syed Noorullah
4. Syed Habibullah
5. Syed Rahmathullah

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to conduct enquiry on petitioner representation dated 26/01/2020.



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For Petitioner : Mr.S.Tamilselvan

For Respondents : Mr.Avinash Wadhwani, for R1 & R2
: Mrs.I.Kowser Nissar, for R3 to R5

ORDER

The petitioner has filed this Writ petition seeking direction to the 1st and 2nd respondents to conduct enquiry based on the petitioner's representation dated 26.01.2020.

2. The case of the petitioner is that the Hazarth Hayath Basha Darga and Hazarth Hayath Basha Masjid comprised in S.No.98/10 measuring an extent of 54 cents were owned, possessed and maintained by the petitioner's ancestors and the entire land to an extent of 54 cents stands in the name of the said Darga and the patta also stands in its name. The petitioner's grandfather namely Syed Murtuza, being the sole Mutawalli had been maintaining the above said Darga and Masjid and after his demise, the administration was taken over by his three sons namely Syed Ahmed, Syed Mustafa and Syed Dastagir. While so, 3rd and 4th respondents, who are the



legal heirs of the said Syed Ahmed have illegally and forcibly encroached the Darga land and have not provided proper place of residence to the other legal heirs, including the petitioner and they have misappropriate the funds of the Darga and further, the 3rd and 4th respondents with the help of the 5th respondent, demolished the house of the petitioner's father. Thereby, the petitioner gave a police complaint on 25.01.2020, which evoked no response. Thereafter, the petitioner made a representation dated 26.01.2020 before the 1st and 2nd respondents seeking to take appropriate action against the respondents 3 to 5, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st and 2nd respondents to conduct appropriate enquiry on the basis of the petitioner's representation dated 26.01.2020 and consequently take action against the respondents 3 to 5, as expeditiously as possible.

4. Learned counsel appearing on behalf of the 1st and 2nd respondents submitted that, appropriate orders will be passed on the petitioner's



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representation dated 26.01.2020 within the time stipulated by this Court.

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5. On the above said contentions, heard learned counsel appearing on behalf of the respondents 3 to 5 and perused the materials available on record.

6. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the 1st and 2nd respondents to consider the petitioner's representation dated 26.01.2020 on merits and in accordance with law and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order, after conducting appropriate enquiry by affording an opportunity of hearing to the petitioner as well as the respondents 3 to 5 and other aggrieved persons, if any.

7. With the above directions, this Writ Petition stands disposed of. No costs.

19.10.2024

skt

NCC : Yes/No
Index : Yes/No

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Speaking Order : Yes/No

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To:

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2. The Superintendent of Wakfs,
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M.DHANDAPANI, J.

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