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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.14944 of 2021

and

W.M.P.Nos.15824, 15826, 15825 & 28796 of 2021

A.Mohammed Ali

.. Petitioner

Vs.

1.The Collector of Chennai,
62, Rajaji Salai,
Chennai – 600 001.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
South Chennai, Guindy,
Chennai – 600 032.

3.The Tahsildar,
Guindy-Mambalam Taluk,
Guindy, Chennai – 600 032.

4.The Commissioner,
Corporation of Greater Chennai,
13th Division, Door No.115,
Dr.Muthulaxmi Road, Adyar,
Chennai – 600 020.

5.Mr.V.Paul Das
Judge – Retd / Receiver
Khari Shaib Mehdi Hussain Sahib Wakf Estate,
Receiver Appln in C.S.No.1306 of 1992



82/106, Perambur High Road Lane,
Jamalia, Chennai – 600 012.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 5th respondent order in Ma.A.13.Va.Tha.Na.Ka.No.R2/312/2021 dated 23.02.2021 and to quash the same.

For Petitioner	.. Mr.S.Syed Basha
For R1 to R3	.. Mr.V.Nanmaran, Additional Government Pleader.
For R4 & R5	.. Mr.P.T.Ramadevi, Standing Counsel.

ORDER

This writ petition has been filed in a nature Certiorarified Mandamus, calling for the records of the 5th respondent order in Ma.A.13.Va.Tha.Na.Ka.No.R2/312/2021 dated 23.02.2021 and to quash the same.

2.The writ petitioner had died, but however, let me proceed to pass orders in the writ petition since, in the writ petition, a notice dated



23.02.2021 issued by the 5th respondent, the Assistant Revenue Officer, Greater Chennai Corporation had been impugned. By the said impugned notice, the petitioner was called upon to attend the enquiry on a representation given by one Vanisri who is not a party to the writ petition. The said Vanisri had filed W.M.P.No.28796 of 2021 seeking to implead herself as a party to the writ petition. But however, my attention has drawn to an order passed by way of a communication given by the 5th respondent to Vanisri on 03.07.2021 wherein, an enquiry was conducted pursuant to the said notice and it was observed that C.S.No.1306 of 1992 is pending before the original side of this Court and additionally, a former District Judge / Mr.V.Paul Das had been appointed as receiver to the property namely, Khari Shaib Mehdi Hussain Sahib Wakf Estate.

3.In view of the same, challenge to the notice does not survive any more. Orders have been passed in the notice directing the concerned parties to approach the Civil Court wherein the civil suit is pending namely, C.S.No.1306 of 1992. Additionally, since the receiver had been appointed, it is the receiver who has the prerogative to protect the property of the wakf estate. He had been recognized and appointed by the High Court in



C.S.No.1306 of 1992. All the parties will have to necessarily go before that particular suit to agitate their respective rights and raise necessary issues. It is for this reason that though the petitioner had unfortunately expired during the pendency of the writ petition, I have proceeded to disposed of the writ petition. Accordingly, this writ petitions stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

11.11.2024

Index:Yes/No
Internet:Yes/No
smv



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C.V.KARTHIKEYAN,J.

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