



W.P.No.12781 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.12781 of 2018 & WMP.No.15000/2018

The Pattur Jamia Big Mosque Managing
Committee rep.by its Secretary Mr.S.Gulabdeen
Pattur, Mangadu
Chennai 600 122 .. Petitioner

v.

1. Chennai Metropolitan Development Authority
rep. by its Chief Executive Officer
Thalamuthu Natarajar Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. Mangadu Town Panchayat
rep.by its Executive Officer
Mangadu Town, Pallavaram Taluk
Kanchipuram District - 600 122
3. The Director of School Education
D.P.I. Complex
Nungambakkam
Chennai 600 034



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4. The Inspector of Matriculation School
Kanchipuram District, Kanchipuram

5. The Tamil Nadu Wakf Board
rep. by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001

6. The Superintendent of Wakf
Poonamallee Zone
Poonamallee Big Pallivasal
Chennai 600 056

7. Dawn Matriculation School
rep. by its Correspondent
No.3, Walajah Street
Pattur, Mangadu
Chennai 600 122

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st & 2nd respondents to demolish the unauthorised constructions of school made by the 7th respondent upon the petitioner's wakf property under the name and style of Dawn Matriculation School in Survey No.433/1 at Pattur Village, Mangadu Firka for an extent of 7219 sq.ft vested under the control and supervision of 5th & 6th respondents and restore the same to its original state within a time frame as may be fixed by this Hon'ble Court.



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For Petitioner	::	Mr.M.Mohamed Riyaz
For Respondents	::	Mr. V.S.Sudalaiselvan Standing Counsel for R1 Mr.P.Srinivas Standing Counsel for R2 Mrs.V.Yamuna Devi Special Government Pleader for R3 & R4 Mr.Avinash Wadhvani for R5 & R6 Mr.R.Mahalingam for R7

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

A person by name S.Gulabdeen has filed an affidavit in support of the writ petition as Secretary of the Wakf by name Pattur Jamia Big Mosque Managing Committee. It is now admitted that a new set of office bearers have taken charge of petitioner Wakf. Though arguments were advanced originally in tune with the averments made in the affidavit in support of the writ petition, the petitioner has now admitted few facts admitting the 7th respondent as a lessee under the Wakf being in lawful possession, running a School having classes upto XII.



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2. The learned counsel appearing for the Wakf Board has produced before this Court the proceedings dated 16.11.2018, by which two factions who are fighting for the administration of the Wakf, have reported before the Wakf Board that they are withdrawing the cases relating to the lease of Wakf property in favour of Dawn Matriculation School, who is the seventh respondent.

3. It is to be noted that the Wakf Board's resolution is to the effect that the lease in favour of the seventh respondent School is approved and the Wakf was advised to get approval for the lease deed, which has to be formally executed.

4. Suppressing material facts, the erstwhile Secretary of Pattur Jamia Big Mosque Managing Committee has filed the writ petition representing the Wakf for demolition of the unauthorized constructions put up by the seventh respondent School without the consent or lease from Wakf. The deponent, after filing of the writ petition, has executed a lease agreement in favour of the seventh respondent along with the President of the Wakf. The



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lease deed dated 30.01.2020 contains the signature of the deponent of the affidavit in every page.

5.Though a confusion is created at the time of hearing, now it is clarified that the 7th respondent is in lawful possession of the land and buildings as a lessee, paying rent and post-facto approval is granted by Wakf Board acknowledging the 7th respondent as a tenant.

6.It appears that due to the personal dispute between two factions, at one point of time, the writ petition is filed. In view of subsequent developments, the cause of action for filing this writ does not survive. Hence, the writ petition is dismissed. No costs. If any amount is deposited pursuant to the order dated 12.02.2024, the same shall be refunded to the petitioner. Consequently, connected miscellaneous petition is closed.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

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NOTE:Issue order copy on 20.02.2024

ss/AP



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To

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2. The Executive Officer
Mangadu Town Panchayat
Mangadu Town, Pallavaram Taluk
Kanchipuram District 600 122
3. The Director of School Education
DPI Complex, Nungambakkam
Chennai 600 034
4. The Inspector of Matriculation School
Kanchipuram District, Kanchipuram
5. The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001
6. The Superintendent of Wakf
Poonamallee Zone
Poonamallee Big Pallivasal
Chennai 600 056
7. The Headmistress
Panchayat Union Middle School
Sri Chakkra Nagar, Mangadu
Chennai 600 122



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S.S.SUNDAR,J.

AND

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