



W.P No.12434 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P No.12434 of 2021

and W.M.P.Nos.13220, 13222, 13224 and 13225 of 2021

Masjid Maqdoomi Improvement
And Association Rep By Its President
A.M.Farook, No.25 Appu Maistry Street
Mofuskhan Garden, Chennai-600 001.

.. Petitioner

-vs-

- 1 The Principal Secretary To the Government
Backward Class Most Backward
Classes And Minorites Welfare (T1)
Department Secretariat Chennai-600 009
- 2 The Secretary To Government
Backward Class Most Backward Classes And
Minorities Welfare (T1) Department
Government Of Tamilnadu Secretariat
Chennai-600 009
- 3 The Chairman
Tamil Nadu Wakf Board No.1 Jaffer Syrang
Road Vallalseethakathi Nagar Chennai-600 001



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- 4 The Chief Executive Officer
Tamilnadu Wakf Board No.1 Jaffer Syrang
Road Vallalseethakathi Nagar Chennai-600 001
- 5 The Superintendent Of Wakf
Poonamallee Zone Big Mosque Complex
Poonamallee Chennai-600 056
- 6 Executive Officer/ Superintendent of Wakf
Trust Estate Of M.K.P.Maracayar And
Masjid Moqdoomi Wakf Mecca
Masjid Compound No.822 Anna Salai
Chennai- 600 002
- 7 The Administrative General and
Official Trustee Of Madras High Court
Campus Chennai-600 104
- 8 Central Bank Of India
Rep By Its Senior Manager
Broadway Branch
No.165 ALG Complex
Broadway Chennai-600 108
- 9 S.Majid
Respondents ..

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing to call for the records relating Impugned orders of the respondents i.e(i) proceedings of the 1st respondent in G.O.No.46 (No.VI-3(a) / 97/ 2020) dated 11.11.2020 (ii) proceedings of the 4th respondent in RC No. 12765 / 16/ B9 / CHN dated 16.12.2020 (iii) proceedings of the 6th respondent dated 31.12.2020 (iv) consequential proceedings of



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the 8th respondent BRDWAY / 2020-21 dated 24.3.2021, (v) proceeding of the 6th respondent in Na.Ka.No.0786 / Ni. A / Chennai/ 2021 dated 27.03.2021 and quash the same insofar as the petitioner is concerned and consequently directing the respondents 1 to 6 not to interfere in the petitioner's peaceful possession and enjoyment of their property situated at Door No.1, Meera Labbai Street, Mannady, Chennai-600 001 within the Registration District of North Madras and Registration Sub-District of Sowcarpet bearing O/S.No.5657 and R.S.No.5453/2 comprising Collector's Certificate No.6129 and New C.A.No.184/79-80 dated 04.09.1979, measuring 880 Sq.ft or thereabouts in any manner and also not to interfere in the petitioner's bank account No.1012311868 which is lying with the 8th respondent bank in any manner.

For the Petitioner : Mr.A.Ilayaperumal
For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader-R1&R2
Mr.Avinash Wadhwani
for Ms.V.Srimathi-R3 to R5
RR 6 and 7 - No appearance
Mr.K.Nazin Ahmed - for R8
Mr.N.A.Nissar Ahmed - R9

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.A.Ilayaperumal, learned counsel for the petitioner,
Mr.A.Edwin Prabakar, learned State Government Pleader for



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Respondents 1 and 2, Mr.Avinash Wadhwani, learned counsel for Respondents 3 to 5, Mr.K.Nazin Ahmed for Respondent No.8 and Mr.N.A.Nissar Ahmed for Respondent No.9.

2. The petitioner is challenging the orders passed by the respondents. According to the learned counsel for the petitioner, the subject property is not owned by the Waqf Board. However, they are claiming the said property without any basis and they have no power to pass any orders with regard to the said property.

3. If there is a dispute with regard to the property being a Waqf property, then the same can be agitated before the Waqf Tribunal under Section 83 of the Act of 1995. Sections 6 and 7 of the Waqf Act deal with the dispute with regard to the nature of the property. All these aspects can be agitated by the petitioner before the Waqf Tribunal.

4. In light of the above, we are not inclined to entertain the writ petition on merits. The writ petition is disposed of with liberty to the petitioner to avail alternative remedy. All the contentions of the



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respective parties are left open. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

Index : Yes/No

Neutral Citation : Yes/No

kst

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- 1 The Principal Secretary To the Government
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Poonamallee Chennai-600 056



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- 6 Executive Officer/ Superintendent of Wakf
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