



W.P.No.17268 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17268 of 2024

1. Mr.S. Easwaran

2. Mr.V.Kuppusamy

3.Mr.M.Samraj

...Petitioners

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uttamar Gandhi Salai, Nungambakkam,
Chennai – 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem-636 001.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Sengunda Thirumana Mandapam complex,
Pennagaram Main Road, Dharmapuri – 636 701.

4. The Inspector,
Arulmigu Soothirakargam Temple,
Veppalahali Village,
Palacode Taluk, Dharmapuri – 636 805



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2. The Chief Executive Officer,
Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street,
Vallal Seethakatthi Nagar,
Chennai 600 001.

3. The District Collector, Cuddalore,
Cuddalore District.

4. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Cuddalore Region,
Gandhi Road, Panruti,
Cuddalore District.

5. The Inspector of Wakf,
Gandhi Road, Panruti,
Cuddalore District.

6. S. Mangai

7. S. Ayyasamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to take appropriate action to retrieve the Wakf lands and handover the same to the petitioner by considering her representations dated 08.10.2010 and 02.05.2024 within stipulated time.

For Petitioner : Mr. A. Ilayaperumal

For Respondents 1,2 and 4 : Mr.R. Abdul Mubeen



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Standing Counsel
: Mr.N.Naveenkumar
Government Advocate

ORDER

The petitioner has filed this writ petition directing the respondents 1 and 2 to take appropriate action to retrieve the Wakf lands and handover the same to the petitioner by considering petitioner's representations dated 08. 10.2010 and 02.05.2024 within stipulated time.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the Muthavalli of Sha Abu Ishaque Darga Waqf and there are several properties in and around the Chidambaram Municipal town belonging to Waqf Board i.e 0.05 Ares in T.S.No.21, 0.01 ares in T.S.No.22, 0.02 Ares in T.S.No.23, 0.10Ares in T.S.No.24, 0.46 ares in T.S.No.235, 0.06 Ares in T.S.No.241, 0.08Ares in T.S.No.242, 0.42 Ares in T.S.No.243, 0.22 Ares in T.S.No.244, 0.07Ares in T.S.No.245, 0.07Ares in T.S.No.246, 0.22 Ares in T.S.No.248, 0.11 Ares in T.S.No.250, 0.16 Ares in T.S.No.251, 0.08Ares in T.S.No.233, 0.05 Ares in T.S.No.252, 0.07 Ares in T.S.No.255, 0.07 Ares in T.S.No.256, 0.37Ares in T.S.No.260,



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0.09 Ares in T.S.No.230, 0.10Ares in T.S.No.231, 0.09 Ares in T.S.No.232, 0.14Ares in T.S.No.253, 0.09Ares in T.S.No.234, 0.05 Ares in T.S.No.236, 0.05Ares in T.S.No.237, 0.05 Ares in T.S.No.238, 0.10Ares in T.S.No.239, 0.08 Ares in T.S.No.240, 0.09 Ares in T.S.No.247, 0.08 Ares in T.S.No.249, 0.05 Ares in T.S.No.254, 0.04 Ares in T.S.No.257, 0.03 Ares in T.S.No.258, 0.04 Ares in T.S.No.259, 0.13 Ares in T.S.No.261, 0.34 Ares in T.S.No.262. The grievance of the petitioner is that some third parties including the sixth and seventh respondents herein are attempting to encroach the properties in question. It is pertinent to note that 90% of the lands have been encroached. To retrieve the above said wakf properties the petitioner had sent a representation on 08.10.2020 to the respondents 2,4, and 5 and the same was not considered. Subsequently the seventh respondent herein who is well aware of the fact that the properties belong to Wakf had purchased the same from the sixth respondent herein through the sale deed dated 04.03.2024 which was registered at the office of the Sub-Registrar, Joint-1, Chidambaram as Doc.No.1002 of 2024 and the seventh respondent started to construct building in the wakf properties. Therefore, the petitioner gave another representation to the respondents 2,4, and 5 on



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02.05.2024, However, both the representations dated 08.10.2020 and 03.05.2024 were not considered till date. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents 2, 4 and 5 to consider the petitioner's representation dated 08.10.2020 and 03.05.2024 and pass orders. He further submitted that the petitioner's representation should be considered under Section 52 and 54 of the Wakf Act, 1995.

5. The learned standing counsel appearing for the respondents submitted that they will consider the case of the petitioners and take action in the manner known to law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondents 2, 4 and 5 to consider the petitioner's representation dated 08.10.2020 and 03.05.2024 and pass orders on merits and in accordance with law within a period of four



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months from the date of receipt of a copy of this order.

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7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
smn

To

1. The Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street,
Vallal Seethakatthi Nagar,
Chennai 600 001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street,
Vallal Seethakatthi Nagar,
Chennai 600 001.

3. The District Collector, Cuddalore,
Cuddalore District.

4. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Cuddalore Region,



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Gandhi Road, Panruti,
Cuddalore District.

5. The Inspector of Wakf,
Gandhi Road, Panruti,
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V.BHAVANI SUBBAROYAN,J.

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