



W.P.No.24462 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24462 of 2021 and
WMP.Nos.25781 & 25786 of 2021

M/s.Lalkhan Mosque Wakf,
Rep. By its Secretary,
R.Mohammed Ziyaudeen,
No.1, Kothavall Street, Chidambaram,
Cuddalore District

... Petitioner

Vs.

- 1.The District Collector,
Cuddalore District
- 2.The Tahsildar,
Chidambaram Taluk, Cuddalore District
- 3.The Assistant Director,
Operations and Maintenance,
TANGEDCO, Chidambaram
- 4.The Assistant Engineer,
Operations and Maintenance,
TANGEDCO, Chidambaram
- 5.The Block Development Officer,
Panchayat Union Office, Kumarachi,
Chidambaram Taluk, Cuddalore District
- 6.The Panchayat President,
C.Thendesvaranallur Village,
Chidambaram, Cuddalore District

... Respondents



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PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents 5 & 6 to remove the encroachment in the wakf property by illegally constructing bore well and the motor room and consequentially forbear the 5th and 6th respondents from in any manner encroaching upon the wakf property under the guise of constructing the water tank and such other activities, except with the due permission from the Tamil Nadu Wakf Board and the petitioner Mosque Wakf in the wakf lands in S.No.64 admeasuring an extent of 2.85 acres at C.Thandeswaranallur Village, Chidambaram Taluk, Cuddalore District.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents

For R1,2,5 & 6 : Mr.S.Arumugam,
Government Advocate

For R3 & 4 : Mr.L.Jai Venkatesh,
Standing Counsel

ORDER

This writ petition has been filed for direction to the respondents 5 & 6 to remove the encroachment in the wakf property i.e.



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1.e. illegally constructing bore well and motor room in the property comprised in survey No.64 admeasuring 2.85 acres at C.Thendesvaranallur Village, Chidambaram Taluk, Cuddalore District.

2. The petitioner owns property comprised in survey Nos.64 admeasuring 2.85 acres in C.Thendesvaranallur Village, Chidambaram Taluk, Cuddalore District. While being so, the fifth and sixth respondents attempted to dig up a bore well and also to construct motor room in the said property. Therefore, the petitioner submitted representation by raising objections.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter filed by the fifth respondent, revealed that the subject land is classified as Chavadi Trust, but there is no trust functioning as certified by the concerned Village Administrative Officer of C.Thendesvaranallur Village. Therefore, the said property is a Government property owned by the village panchayat. It does not belong



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to the petitioner. That apart, there is no digging up of new borewell. There is bore well already in existence and also there is a water tank. They have not dug up any new bore well and no construction of water head tank or motor room is there.

5. In view of the above, the respondents 5 & 6 are restrained from digging up any bore well or construction of motor room or water head tank in the property owned by the petitioner comprised in survey No.64 admeasuring 2.85 acres at C.Thendesvaranallur Village, Chidambaram Taluk, Cuddalore District. It is made clear that the petitioner is also restrained from disturbing the usage of the existing borewell and water tank in the subject property.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

23.10.2024

Neutral citation: Yes/No
Index: Yes/No



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Speaking/Non-speaking order
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To

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G.K.ILANTHIRAIYAN, J.

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