



W.P.No.32997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.32997 of 2024

Musthafa

...Petitioner

Vs.

1. The Chief Executive Officer,
Tamilnadu Wakf Board,
Chennai - 600 001.
2. The Superintendant of Wakf,
Cuddalore.
3. The Inspector of Wakf,
Panruti, Cuddalore.
4. The District Collector,
District Collectorate Office,
Cuddalore.
5. The Revenue District Officer,
Virudhachalam, Cuddalore.
6. The Thasildar,
Thittakudi Taluk,
Cuddalore District.
7. The Deputy Superintendent of Police,
Thittakudi Taluk,
Cuddalore District.
8. The Inspector of Police,
Ramanadham Police Station,
Thittakudi Taluk,
Cuddalore District.
9. Nallathangal



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10. Chinnappa Muthaliyar
11. Subramaniyan
12. Sandhanam
13. Sadayan
14. Kala ammal
15. Karupaye Ammal
16. Ammasi
17. Arumugam
18. Arumuga Mudaliar
19. Paramasivam
20. Periyammal
21. Periyammal
22. Santhanam
23. Kala
24. Selvarasu
25. Asamath Beevi
26. Nallamuthu
27. Ponmudi
28. Natesan
29. Kalavathy
30. Nanthan
31. Pitchaipillai
32. Maya Krishnan
33. Natesan
34. Tamilarasi
35. R.Rathinam
36. Theivaanai
37. M.Rajendren
38. Puratheen Sayeeb
39. Rajammal
40. Gurusamy
41. Sountharajan
42. Kamaraj
43. Moogan
44. Maruthamuthu
45. Vaalsamy
46. Ramasamy
47. Rathinam



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48. Rajendren
49. Annamalai
50. Chidambaram
51. Anjalai Devi
52. Moogan
53. Tamilarasi
54. Selvaraj
55. Paramasivam
56. Murugan
57. Thitakudi Housing Board Sangam,
by its President,
Akkanur Post, Thittakudi Taluk,
Cuddalore District.
58. Jeganathan
59. Periyasamy
60. Anjalam
61. Arumugam
62. Nathan
63. Thitakudi Cooperative Housing Board Sangam,
by its President, Akkanur Post,
Thittakudi Taluk, Cuddalore District.
64. Dhanabakiyam
65. M.Kamaraj
66. P.Santhappan
67. Chithra
68. M.Renugadevi
69. Gowri
70. Salimabi
71. Chithra
72. Divya Bharathi
73. N.Azhagappan
74. Nallamuthu
75. Tamilarasi
76. Chinnasamy
77. Saroja
78. Pappa
79. Rajendren
80. S.Santhappan



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81. Azhagappan
82. Anpazhagan
83. Murugesan
84. O.Santhanam
85. O.Valusamy
86. O.Vethamanickam
87. V.Saroja
88. D.Jeganathan
89. J.Jegatheesan
90. Rajendren

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents particularly first respondent to take steps to remove the encroachers i.e. 9th to 90th respondents from the Wakf property under Section 52 of Wakf Act and further direct the respondents 4 to 6 to not to change the nature of property or to issue any patta regarding the Wakf property.

For Petitioner	: M/s.R.Shakthi Priya for Mr.S.Gunasekaran
For R1 to R3	: Mr.R.Abdul Mubeen Standing Counsel
For R4 to R6	: Mr.S.Balamurugan Government Advocate
For R7 & R8	: Mr.L.Baskaran Government Advocate (Crl.Side)

ORDER

The petitioner herein seeks a direction to the first respondent to take steps to remove the encroachers from the Wakf property under Section 52 of



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Wakf Act.

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2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 8, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that he is hereditary Muthawalli of mosque and Taikka Wakf situated in Akkanur Village, Thittakudi Taluk, Cuddalore District and the property belongs to Wakf comprised in survey No.81/60 with an extent of 2.12 acres, survey No.83 with an extent of 20.2 acres and survey No.34/7 with an extent of 1.04 acres, are under illegal encroached by the private respondents. Therefore, the petitioner submitted a representation before the first respondent on 28.02.2024 seeking necessary action against the encroachers and the same has not been considered till date. Therefore, the petitioner is before this Court.

4. Mr.R.Abdul Mubeen, learned Standing Counsel, who takes notice for the respondents 1 to 3 would submit that in the representation of the petitioner, he has not given any details of the encroachers and therefore, the petitioner may be directed to give a fresh representation and the same will be considered,



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on merits, in accordance with law.

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5. In view of the above submission made by the learned standing Counsel, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the petitioner to file a fresh representation before the first respondent giving full details of the alleged encroachers within a period of two weeks from the date of receipt of a copy of this Order. On filing of such representation by the petitioner within stipulated time, the first respondent shall consider the same and pass final orders on its own merits, after issuing necessary notice to the petitioner and the private respondents and any other interested parties within a period of twelve weeks from the date of receipt of representation.

6. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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Thittakudi Cooperative Housing Board Sangam,
Thittakudi Taluk, Cuddalore District.



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S. SOUNTHAR, J.

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