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W.P.No.24693 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.24693 of 2024

Nabisha Khadri Aulia Tomb Masjid Khabarastan Wakf,
Rep. by its Muttavalli,
Vellore Main Road, Arcot – 632 503,
Ranipet District.

...Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
Rep. by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Rajaji Salai, Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Rajaji Salai, Chennai – 600 001.
3. The Superintendent of Wakf,
Vellore Range,
Arni Road,
Sainathapuram, Vellore.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to take action on the representations dated 15.02.2024 and 22.03.2024.



W.P.No.24693 of 2024

For Petitioner : Mr.Zaffarullah Khan

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ORDER

This Writ petition has been filed seeking direction to the 2nd respondent to consider and pass orders on the representations dated 15.02.2024 and 22.03.2024.

2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that, the petitioner is a notified wakf registered as G.S.No.638/NA and it had been in the ownership and administration of several properties totally measuring an extent of 6 Acres and 74 cents in Arcot Town, presently Ranipet District. While so, as one Syed Hussain, the earlier Muttavalli of the petitioner wakf had illegally alienated large portions of the wakf property, he was removed from his post. Pursuant to which, in order to wreck vengeance, the said Syed Hussain initiated various litigations before different forum and all the said litigations ended against him. Aggrieved by the same, he filed an appeal in A.S.No.69



W.P.No.24693 of 2024

of 1993 and the lower appellate court without considering any of the above said facts, vide judgement dated 27.04.1995 had mechanically set aside the judgment and decree made in O.S.No.255 of 1989 and declared that the said Syed Hussain is the owner of the subject properties and granted permanent injunction against the Wakf board. As the said suit was filed without impleading the petitioner wakf as a party, the same will not bind on the petitioner and the petitioner was not at all aware of the above said proceedings. Taking advantage of the said judgment, the said Syed Hussain and his family members converted the wakf properties into residential plots and alienated the same to various individuals. Thereby, the petitioner committee appointed by the Tamil Nadu Wakf Board made a representation dated 15.02.2024 before the 2nd respondent, seeking to prevent alienation of the wakf properties and to stop further mutations of revenue records in respect of the wakf properties and also made a further representation dated 22.03.2024, however, till date, no orders have been passed on the same. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to



W.P.No.24693 of 2024

the 2nd respondent to consider the petitioner's representations dated 15.02.2024 and 22.03.2024 and pass orders on the same within a particular time frame fixed by this Court.

5. In view of the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representations dated 15.02.2024 and 22.03.2024 on merits and in accordance with law and pass appropriate orders, within a period of two (2) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

6. Accordingly, this Writ petition stands disposed of. No costs.

29.08.2024

skt

NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No

4/7



W.P.No.24693 of 2024

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W.P.No.24693 of 2024

M.DHANDAPANI, J.

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W.P.No.24693 of 2024



WEB COPY



W.P.No.24693 of 2024

29.08.2024