



W.P.No.31617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31617 of 2024

Syed Sadiq Mosque and Dargha,
Rep. by its President and Muthavalli,
Abdul Rahman Mohamed Ismail,
Kundrathur Main Road,
Mangadu Village,
Cehnnai - 602 101.

... Petitioner

versus

1.The Commissioner of Police,
Avadi, Thiruvallur District.

2.R.Thara

3.The Estate Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakadhi Nagar,
Mannady, Chennai - 600 001.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent herein to adequate police protection to evict the second respondent from the unauthorized occupant pursuant to the Eviction Order dated 31.03.2003 passed by the Wakf Board Case No.PP No.99/CGT/2022.



W.P.No.31617 of 2024

For Petitioner : Mr.K.Ramesh Kumar
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)
for R1

Mr.D.Thanigai Vasan for R2

Mr.Haja Mohideen Gisthu
Standing Counsel
for Wakf Board for R3

ORDER

The petitioner, Syed Sadiq Mosque and Dargah, owns land measuring 7,092 sq. ft in Mangadu Village, where the husband of the second respondent initially encroached upon 1,000 sq. ft and was running a commercial shop without paying rent. Hence, the petitioner approached the Wakf Board, and in the meantime, the husband of the second respondent sold the property to the second respondent. The Wakf Board, by an order dated 31.03.2023, directed the second respondent to vacate the mentioned premises within 30 days from the date of the said order. Challenging the said order, the second respondent filed a writ petition in W.P.No.31112 of 2023 to quash the order dated 31.03.2023, stating that notice was not served on her before passing the final order by the Wakf Board on 31.03.2023. However, the learned judge, disbelieving the case of the second respondent that she had no knowledge about the receipt of the notice, disposed of the writ petition on 26.10.2023, but granted liberty to the second respondent to file an appeal within a period of 7 days from the date of

Pg.Nos.2/6



W.P.No.31617 of 2024

receipt of that order.

WEB COPY

2. The main contention of the learned counsel for the petitioner is that, although the 7-day time limit for filing the appeal lapsed, the second respondent did not file an appeal. Hence, the learned prayed for a direction to the first respondent to provide adequate police protection to evict the second respondent, pursuant to the eviction order dated 31.03.2023.

3. Per contra, the learned counsel appearing for the second respondent submits that in compliance with the order passed in the writ petition in W.P.No.31112 of 2023, the second respondent filed a civil miscellaneous petition in C.M.A.No.8 of 2023, on the file of the Principal District Judge, Kancheepuram, and the same is pending. The petitioner had also entered appearance and filed his counter in the I.A.s filed along with C.M.A.No.8 of 2023. Now, suppressing that fact, the petitioner filed this writ petition as if no appeal was filed, which is a clear suppression of material facts, and hence, the writ petition is liable to be dismissed.

4. The submission made by the learned counsel for the second respondent, as mentioned above, is not disputed by the learned counsel for the petitioner.



W.P.No.31617 of 2024

WEB COPY

5. After hearing the learned counsel for both parties and perusing the materials on record, it is clear that the petitioner has suppressed the fact that the second respondent had filed the Civil Miscellaneous Petition in C.M.A.No.8 of 2023 which is still pending before the Principal District Judge, Kancheepuram. Additionally, the petitioner has also filed interlocutory applications in the said pending Civil Miscellaneous Petition. This suppression of material facts, including the filing of interlocutory applications, is a serious issue, as it misleads the court and prevents a fair adjudication of the matter.

6. In light of the above, the writ petition is dismissed for suppression of material facts. However, it is made clear that the petitioner is at liberty to pursue his remedy before the Principal District Judge, Kancheepuram, in the pending C.M.A.No.8 of 2023, in accordance with the law.

06.11.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

r n s

Pg.Nos.4/6



W.P.No.31617 of 2024

To

The Commissioner of Police,
Avadi, Thiruvallur District.



WEB COPY



W.P.No.31617 of 2024

P.VELMURUGAN, J.
r n s

W.P.No.31617 of 2024

06.11.2024

Pg.Nos.6/6