



WP(MD) No.2366 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.2366 of 2024

Varusai Rowther Chatram and
Thaneer Pandal Waqf,
Represented by its Muthawalli,
Mohamed Rafeek

... Petitioner

/vs./

- 1.The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 2.The District Revenue Officer and
Additional District Magistrate,
Tiruchirappalli.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District – 620 020.
- 4.The Revenue Divisional Officer,
Tiruchirappalli District.
- 5.The Tahsildar,
Thiruvembur Taluk,
Tiruchirappalli District.



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6.The Inspector of Police,
Thriuvembur Police Station,
Trichy District.

7.The Superintendent of Waqf,
Trichy Zone,
Trichy District.

8.P.Kalimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 3 and 6 to provide adequate police protection for putting up fencing in the waqf property bearing S.F.No. 198, New S.No. 198/1 situated at Papakurichi Village, Trichy District, measuring an extent of 31.35 acres belongs to Varusai Rowther Chatram and Thaneer Pandal Waqf by considering the petitioner's representation dated 07.11.2023.

For Petitioner : Ms.A.Ajimath Begum

For R-2 to R-6 : Mr.T.Senthil Kumar
Additional Public Prosecutor

For R-1 and R-7 : Mr.D.S.Haroon Rasheed
Standing Counsel

For R-8 : Mr.S.Muthukrishnan



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ORDER

When the matter came up for hearing on 06.02.2024, the learned Counsel for the Petitioner put forth her submissions and this Court passed the following order:

“The learned Counsel for the Petitioner submits that the Petitioner is Varusai Rowther Chatram and Thaneer Pandal Waqf. The Petitioner had filed this Writ Petition seeking direction against the Respondents 3 and 6 to give protection for putting up fence in the Waqf property. The property of the Waqf had been encroached by third parties, for which there was civil dispute between them before the Sub Court. The Sub Court had passed a decree against the Petitioner herein. Subsequently, an appeal was filed before this Court, wherein the appeal was decreed in favour of the Waqf, the Petitioner herein, setting aside the judgment of the learned Sub Judge. Also, the parties did not obey the judgment and decree. Therefore, the Petitioner herein was forced to move the Revenue Authorities seeking patta. As per the enquiry conducted by the Authorities under the Tamil Nadu Patta Passbook Act, after holding enquiry, patta was granted in favour of the Petitioner. The copy of



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the same had been enclosed in the typed set of papers. Subsequently, the Respondents herein moved W.P.(MD) No. 24922 of 2023 challenging the proceedings in granting patta in favour of the Petitioner. The Writ Petition was dismissed by order dated 06.11.2023, against which the Writ Petitioner had not filed any appeal till date. Therefore, the Petitioner Wakf seeks police protection for securing the land belonging to Wakf by fencing the properties. She would further submit that the Respondents, who are the encroachers, are aware of the earlier proceedings. Still they are creating trouble by not permitting the Petitioner to fence the property and secure the property. Therefore, the Petitioner was forced to file this Writ Petition.

2.Issue notice to the 8th Respondent returnable by 16.02.2024. Private notice is also permitted. Registry is directed to list this case on 16.02.2024 at top of the list under the caption 'part heard'."

2. The learned Counsel for the eighth Respondent / private Respondent is also present before this Court. He seeks time to respond to the submission of the learned Counsel for the Petitioner.



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3. Earlier the eighth Respondent had filed Writ Petition in W.P.(MD).No. 24922 of 2023 and the learned Single Judge of this Court vide order dated 06.11.2023 had dismissed the Writ Petition with an observation “*The Petitioner lacks the locus standi to even challenge the same. If the Petitioner has any claim against the seventh Respondent, it is for him to work out his rights before the jurisdictional civil court. The writ court cannot grant any relief. In any event, the impugned order cannot be challenged by the Petitioner*”.

4. The earlier Writ Petition filed by the eighth Respondent challenging the proceedings in granting of patta in favour of the seventh Respondent/ Petitioner herein, was already dismissed. Hence, the patta which was granted by the revenue officials in favour of the Petitioner herein /Varusai Rowther Chatram and Thaneer Pandal Waqf, after conducting survey and measuring the properties, cannot be objected by the eighth Respondent.

5. The learned Counsel for the Respondents 1 and 7 adopt the version of the Petitioner in this Writ Petition.



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6. In the light of the above, the Respondent Police is directed to extend Police protection for the Wakf authority to fence their property.

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

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

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The Tamil Nadu Waqf Board,
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Vallal Seethakathi Nagar,
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Tiruchirappalli District.

5. The Tahsildar,
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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.2366 of 2024

Dated:
05.03.2024