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C.M.P.(MD) No.10053 of 2024
in
W.A.(MD) SR No.47221 of 2024
and
W.A.(MD) SR No.47221 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.P.(MD) No.10053 of 2024
in
W.A.(MD) SR No.47221 of 2024
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The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 009.

... Petitioner in the C.M.P.
and Appellant in the W.A.SR.

-vs-

- 1.Hazarath Syed Musthafa Darood,
Masthan Dargah Mosque,
Rep by its Secretary,
12, Trunk Road,
Thiruvanaikovil,
Trichy - 620 005.
- 2.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Highways and Minor Ports Department,
Fort St. George, Chennai.
- 3.The District Collector,
Trichy District, Trichy.



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4.The District Revenue Officer cum Competent Authority,
Tiruchirappalli,
Tiruchirappalli District.

... Respondents in the C.M.P.
and Respondents in the W.A.SR.

PRAYER (in C.M.P.(MD) No.10053 of 2024): Civil miscellaneous petition filed under Section 151 of the Code of Civil Procedure to grant leave to the petitioner to file writ appeal against the order passed by this Court in W.P. (MD) No.14826 of 2020, dated 14.12.2023.

PRAYER (in W.A.(MD) SR No.47221 of 2024): Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 14.12.2023, passed in W.P. (MD) No.14826 of 2020, on the file of this Court.

For Petitioner in the C.M.P. &
Appellant in W.A.SR.

: Mr.S.A.Ajmalkhan
Standing Counsel

For Respondents in the C.M.P.
& Respondents in the W.A.SR.

: Mr.S.R.A.Ramachandran
Additional Government Pleader



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The Waqf Board seeks leave of this Court to challenge the order, dated 14.12.2023, passed in W.P.(MD) No.14826 of 2020.

2. Though the notification issued under Section 15 of the Tamil Nadu Highways Act, 2001 [hereinafter referred to as "the Act"] was under challenge, the Writ Court, had, while dismissing the Writ Petition, observed that the compensation to be paid to the writ petitioner / first respondent herein. The claim of the Waqf Board is that the property belongs to it.

3. Section 21 of the Act provides for a remedy to the Waqf Board to seek determination of its rights, and a reference to the Civil Court has been provided in Section 21(2) of the Act. Hence, we do not see any necessity to permit the Waqf Board to file this appeal. However, it is made clear that the District Collector, Trichy District, the third respondent herein while disbursing the amount will go strictly in accordance with Section 21 of the Act and if the District Collector entertains a doubt about the entitlement, the District Collector will make a reference under sub-section (2) of Section 21 of the Act.



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4. With the above observation, this Civil Miscellaneous Petition is dismissed. Consequently, W.A.(MD) SR No.47221 of 2024 is rejected.

[R.S.M., J.] [L.V.G., J.]
05.08.2024

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

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To:

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George, Chennai.
- 2.The District Collector,
Trichy District, Trichy.
- 3.The District Revenue Officer cum Competent Authority,
Tiruchirappalli,
Tiruchirappalli District.



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R.SUBRAMANIAN, J.
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L.VICTORIA GOWRI, J.

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