



W.P.(MD).No.20213 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.20213 of 2024

S.Syed Ali

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.Ashurkhana @ Pathunonbuchavadi Waqf,
Represented by its Muthawalli,
Vadagarai,
Periyakulam,
Theni District.

3.K.Abbas Ali

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation dated 22.12.2023 and thereby recover the Ashurkhana @ Pathunonbuchavadi Waqf property in T.S.No.620 measuring an extent of 2930 Sq.Ft situated at Keelavadagarai Village, Periyakulam Taluk and Theni District under Section 54 of the Waqf Act, 1995 and initiate action against third respondent under Section 52A of the Waqf Act, 1995 within a stipulated time.



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For Petitioner

: M/s.A.Ajimath Begum

For R-1

: Mr.K.Jeyamohan
Standing Counsel

ORDER

The present Writ Petition is filed for Mandamus seeking direction to the respondents 1 and 2 to consider the petitioner's representation dated 22.12.2023 and thereby recover the Ashurkhana @ Pathunonbuchavadi Waqf property in T.S.No.620 measuring an extent of 2930 Sq.ft situated at Keelavadagarai Village, Periyakulam Taluk, Theni District under Section 54 of the Waqf Act, 1995 and initiate action against the third respondent under Section 52A of the Waqf Act, 1995.

2. It was submitted by the learned counsel for the petitioner that the second respondent Waqf is surveyed and notified as G.S.No.310/Theni on 27.05.1959. While so, the father of the third respondent, has occupied the Waqf property by fraudulently mutating revenue records and constructed houses and other buildings in the said property. After his death, there is gross mismanagement of the Waqf property by the third respondent and his siblings. In this regard, the petitioner submitted a detailed representation dated 22.12.2023 to the first respondent seeking action against the third



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respondent and to recover the Waqf property. Since the said representation was not considered, the present Writ Petition has been filed.

3. It was submitted by the learned Standing Counsel for the first respondent that the petitioner's representation would be considered and orders would be passed in accordance with law within a period of eight weeks, which was accepted by the learned counsel for the petitioner.

4. In view of the same and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 22.12.2023, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner and other interested persons/stake holders, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.



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5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

23.08.2024

Index : Yes / No
Internet : Yes/ No
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MOHAMMED SHAFFIQ, J.

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