



W.P.(MD)No.29369 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.29369 of 2024

The Managing Committee,
Nesavupettai Shafi Jamath Mosque
rep., by its President

... Petitioner

Vs.

- 1.The Chief Executive Officer,
Tamil nadu Waqf Board,
Bo.1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.
- 2.The Superintendent of Police,
Nesavupettai Shafi Jamath Mosque,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Sivagangai District.
- 4.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 5.The Waqf Inspector,
Sivagangai Ramanathapuram Circle,
Sivagangai District.
- 6.A.Mohammed Abdul Khader

... Respondents



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PRAYER : Petition filed under Article 226 of Constitution of India seeking for Writ of Mandamus to direct the fourth respondent herein not to harass the petitioner in the guise of enquiry and consequentially directing the fourth respondent to refer the matter for adjudication to the third respondent who is the competent authority.

For Petitioner	: Ms.K.Porkodi for M/s.Polax Legal Solutions
For R1	: Mr.K.K.Senthil
For R2 & R4	: Mr.P.Kottaichamy Government Advocate (Crl.side)
For R3	: Mr.N.Muthu Manickam Government Advocate (Civil.side)
For R6	: Ms.P.Nagalakshmi

ORDER

The petitioner claiming to be the Managing committee of Nesavupettai Shafi Jamath Mosque had filed this petition seeking direction to restrain the fourth respondent not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the sixth respondent submitted that the sixth respondent is appointed as Mutawalli by Tamil Nadu Waqf Board. The petitioner, purporting to be the Managing Committee, has illegally occupied Waqf Board property, for which, the sixth respondent is taking



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steps to remove the petitioner from the encroachment. Earlier, the sixth respondent has filed W.P(MD).No.5894 of 2024 in which, the petitioner is the fifth respondent. This Court by order dated 06.11.2024 had considered the submission of all rival parties including the Waqf authorities and directed the Inspector of Police, Ilayangudi, to issue notice to the petitioner as well as the sixth respondent and thereafter, to take note of the orders passed by the Tamil Nadu Waqf Tribunal, for which, notice has been received by the sixth respondent, who had appeared and presented all the copies of the Waqf order. The petitioner had appeared and sought some time to produce orders in their favour. Thereafter, he had not appeared and filed the present petition.

3. The learned Government Advocate (Crl.side) would submit that in view of the direction issued by this Court in W.P(MD).No.5894 of 2024, notice was issued to the petitioner as well as the sixth respondent. The sixth respondent appeared and submitted document. To counter the same, the petitioner sought some time to file document in his possession, but failed to do so. Now, filed the present petition, which is nothing but abuse of process of law.



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4. The learned counsel for Waqf Board submitted that the Waqf Board had already passed order in favour of the sixth respondent to take possession of the property. The petitioner ought to have handed over the property to the sixth respondent. By making technical claim, obstruct the authority from taking possession and now it termed as harassment.

5. The learned counsel for the petitioner submitted that as per Waqf Act, any order of removal of encroachment passed only through RDO, not as claimed by the sixth respondent.

6. Be that as it may, it is for the petitioner to appear before the fourth respondent as per the order of this Court in W.P(MD).No.5894 of 2024 and give explanation. The fourth respondent had summoned the petitioner only on the direction of this Court, which cannot be termed as harassment. Hence, this petition is relaxed from making any consideration. Accordingly, this Writ Petition is dismissed. No costs.

06.12.2024

NCC : Yes / No
Index : Yes / No
Rmk



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- 1.The Superintendent of Police,
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Sivagangai District.
- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Sivagangai District.
- 3.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
W.P.(MD)No.29369 of 2024

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