



WP.No.40897 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.03.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.40897 of 2002 & WMP.No.60566 of 2002

S.Mubarak Ali
Muthavalli, Thiruchengodu Muslim Masjith,
Thiruchengodu, Namakkal District.

... Petitioner

Versus

1. The State of Tamilnadu
Rep. by is Special Commissioner &
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

2. A.Murasoli
3. M.Suresh

4. The Secretary,
Tamilnadu Wakf Board,
Santhome, Chennai – 600 004.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records in Pa.Mu.K. 4./10515/2002, dated 24.10.2002 on the file of the first respondent and quash the same as unconstitutional and illegal.

For Petitioner : Mr.K.P.Gopalakrishnan

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader – R1



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Mr.P.Mani – R2 & R3

Mr.R.Abdul Mubeen – R4

ORDER

Challenging the Order of the first respondent dated 24.10.2002, wherein the Order of the Settlement Officer dated 21.04.1998 has been cancelled, the present Writ Petition has been filed.

2. The case of the petitioner is that the land to an extent of 66 cents in Survey No.90/2 in Thiruchengode Village belongs to the petitioner and the same was also published in the notification dated 30.04.1959. The said notification has not been challenged within one year. The wakf constructed shops and leased out to the tenants and has been collecting rents. The second and third respondents are tenants under the petitioner and the petitioner is collecting rents from them. The revenue records have also been changed as wakf property by an Order of the Commissioner and Director of Survey and Settlement dated 21.04.1998. The grievance of the petitioner is that on the application filed by the tenants, the first respondent by his Order dated 24.10.2002 cancelled the Order of the Director of Survey and Settlement. Hence, the present Writ Petition to quash the said Order of the first respondent.



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WEB COPY 3. Heard learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. This Court in a batch of Civil Revision Petitions in CRP.Nos.1666 and 16667 of 2003 and W.P.Nos.27663, 27664 of 2003 & 26064 of 2005 has clearly held that once a person is inducted as a tenant, he is estopped from denying the title of the landlord. As long as the notification is not challenged, the first respondent has no jurisdiction to entertain the letter of the second and third respondents as the Civil Court alone has got jurisdiction to decide the title. Therefore, this Court is of the view that the first respondent has no jurisdiction to pass the impugned Order and the same is liable to be quashed.

5. Accordingly, this Writ Petition is allowed and the impugned order dated passed by the first respondent is quashed. Consequently, connected miscellaneous petition is closed. No costs.

04.03.2025

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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To,

1. The Special Commissioner &
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.
2. The Secretary,
Tamilnadu Wakf Board,
Santhome, Chennai – 600 004.



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N. SATHISH KUMAR, J.

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