



Cont.P.No.620 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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A.R. NAZAR HUSSAIN

... Petitioner

Vs

D.BASKARA PANDIYAN,
THE DISTRICT COLLECTOR,
TIRUVANNAMALAI DISTRICT,
TIRUVANNAMALAI – 606 605.

... Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 praying to punish the respondent for willful disobedience of this Court order passed in W.P.No. 34481 of 2023 dated 13.02.2024.

For Petitioner : Mr.Y.Kaja Navas

For Respondent : Dr.S.Suriya
Additional Government Pleader

ORDER

The contempt petition has been filed complaining willful disobedience of the order passed by this Court on 13.02.2024 in W.P. No. 34481 of 2023.



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2. By the said order, this Court directed the respondent/contemnor to immediately take further action for the removal of encroachments, following the prescribed procedure under Section 52(5) and (6) of the Waqf Act, 1995. The Court further directed that the exercise should be expeditiously completed and a report of its compliance should be filed by 30.09.2024 before the Registrar (Judicial) of the Court.

3. When the matter came up for hearing, *Dr.S.Suriya*, the learned Additional Government Pleader appearing on behalf of the respondent, submitted that, based on the judgment, notices were served under Rule 52(2) of the Waqf Board Rules to 13 out of 33 encroachers in person, and 2 encroachers were served by an officer, directing them to evict the encroachment within 30 days.

4. It is further stated that since the addresses of the remaining 18 encroachers could not be found, notices were exhibited in the office of the Village Administrative Officer and the Panchayat Board. In this regard, no objections were submitted. The encroachments made by the 18 persons were



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removed and possession was taken. Under Rule 52(4) of the Waqf Board Rules, it is stated that within 30 days from the receipt of the notices, appeals can be filed before the jurisdictional Waqf Tribunal and the decision of the Tribunal in the appeal will be final.

5. Further, Rule 52(5) of the Waqf Rules states that after the expiry of the 30 days period for filing an appeal or if the appeal is dismissed, the District Collector is empowered to take possession of the properties and hand them over to the Waqf Board. It is further stated that 13 encroachers, who were served with the notice, have filed an appeal before the Waqf Tribunal. It is also stated that necessary action would be taken, depending on the outcome of the appeal.

6. In reply thereof, the learned counsel appearing on behalf of the petitioner submits that he understands that the appeal has been rejected. If the appeals are disposed of as undertaken, possession shall be taken as expeditiously as possible. If the appeals are still pending, immediate action will be taken upon the outcome of the appeal so that the order is fully



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complied with.

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7. Having recorded that as of today, there is no willful disobedience on the part of the respondent, the contempt petition stands closed. However, further action to be completed depending on the orders passed by the Waqf Tribunal. It goes without saying that the petitioner can always bring the matter to the Court's attention through a subsequent contempt petition if the order remains uncomplied with.

03.03.2025

Neutral Citation: Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

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