



W.P.No.4829 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.4829 of 2023

The Pattur Jamia Big Mosque Managing
Committee Madrasa-E-Mazharul Hasanath Arabic Madrasa
Rep. by its Secretary I.Sadiq Batcha
Mosque Street, Pattur, Mangadu
Chennai 600 122

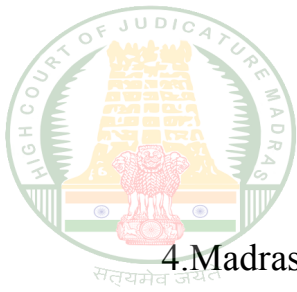
.. Petitioner

Vs

1.The Tahsildar
Taluk Office
Kundrathur Circle, Kundrathur
Chennai 600 069

2.The Land Surveyor/FIRKA Surveyor
Kundrathur Circle, Chikkarayapuram Village
Kundrathur, Chennai 600 069

3.The Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethalakshmi Nagar
Chennai 600 001
(R3 suo motu impleaded vide order dt.20.02.2023)



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4.Madrasa Maszharul Hasanath Arabic Padasalai

Rep. by its President O.A.Mohammed Hassain

having office at S.F.No.170, Kundrathur Main Road

Sikkarayapuram, Kundrathur

Chennai 600 0069

(R4 impleaded *vide* order dt.12.03.2023 made in W.M.P.7504/2023)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to survey the properties comprised in S.No.170 to an extent of 0-51.00 hectare situated at Chikkarayapuram Village, Kundrathur Taluk, Kancheepuram and to fix the boundaries so as to fence the property, based on the challan remitted on 16.01.2023 within a stipulated period as fixed.

For Petitioner : Mr.M.Mohamed Riyaz

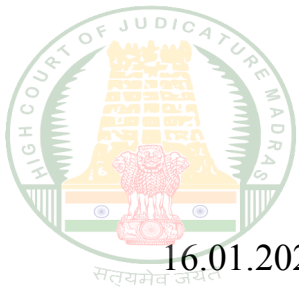
For RR1 and 2 : Mr.M.R.Gokulakrishnan
Additional Government Pleader

For R3 : Mr.Avinash Watwani
Standing Counsel

For R4 : Mr.S.N.Subramani

ORDER

This writ petition has been filed for a writ of mandamus directing the 1st and 2nd respondents to act upon the application submitted by the petitioner dated



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16.01.2023 and to conduct a survey in the subject property and to fix the boundary

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stones.

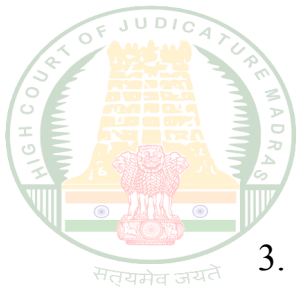
2. When the matter came up for hearing on 20.02.2023, this Court passed the following order :

“Since the issue raised in this writ petition can be adjudicated effectively only after hearing the Tamil Nadu Wakf Board because the petitioner claims to be one of the notified Wakfs under the Tamil Nadu Wakf Board, the Tamil Nadu Wakf Board represented by the Chief Executive Officer is suo motu impleaded as one of the party respondents in the main writ petition. Registry is directed to carry out the amendment.

2. Notice to the impleaded party through the learned Standing Counsel for Wakf returnable by four weeks. Private notice is also permitted.

3. In the meanwhile both the petitioner as well as the third party who wants to get impleaded in the writ petition shall file necessary documents to establish their right over the property in question as to whether it belongs to the Madarasa / Mosque ie., one of the Wakfs or the Arabic Paadasaalai of the Madarasa in whose favour the civil court decree has already been made.

4. In this regard, the third party represented by the counsel can file a petition to implead him as party respondent in the writ petition. Post after four weeks.”



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3. The learned Standing Counsel appearing on behalf of the *suo motu* impleaded 3rd respondent submitted that on verification of the records, it is seen that the padasalai maintained by the 3rd respondent shows that the subject property stands in the name of the petitioner WAKF.

4. The learned counsel apperaing on behalf of the impleaded 4th respondent submitted that the 4th respondent is having an independent right and title over the subject property and therefore, he is opposing the survey sought for by the petitioner.

5. In the considered view of this Court, it is not necessary for this Court to go into the right and title over the subject property. For the present, the Tamil Nadu WAKF Board has informed this Court that the padasalai maintained by them shows that the subject property stands in the name of the petitioner Wakf. Therefore, this Court has to necessarily act upon the same. If at all, the impleaded



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to law.

4th respondent has any right, he has to work out his remedy in the manner known

6. In the light of the above discussion, there shall be a direction to the 1st and 2nd respondents to act upon the application submitted by the petitioner on 16.01.2023 and conduct the survey and lay the boundary stones. This process shall be completed by the 1st and 2nd respondents within a period of two weeks from the date of receipt of a copy of this order.

7. The present order will not stand in the way of the impleaded 4th respondent to agitate his rights independently in the manner known to law. It is left open to the 4th respondent to be present at the time of survey.

This writ petition is disposed of with the above direction. No costs.

gya

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Index : Yes/No Neutral Citation : Yes/No

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N. ANAND VENKATESH, J.

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To

1.The Tahsildar

Taluk Office

Kundrathur Circle, Kundrathur

Chennai 600 069

2.The Land Surveyor/FIRKA Surveyor

Kundrathur Circle, Chikkarayapuram Village

Kundrathur, Chennai 600 069

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3.The Chief Executive Officer

Tamil Nadu Wakf Board

No.1, Jaffer Syrang Street

Vallal Seethalakshmi Nagar

Chennai 600 001

4.The President

Madrasa Maszharul Hasanath Arabic Padasalai

Having office at S.F.No.170, Kundrathur Main Road

Sikkarayapuram, Kundrathur

Chennai 600 0069

12.03.2025

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5. The Revenue Divisional Officer

Central Chennai Revenue Division, Chennai