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W.P.No.9607 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9607 of 2025

and

W.M.P.No.10760 of 2025

B.Lalitha Ammal,
W/o Balakrishna Gounder,
D.No.887, Indra Nagar,
Munianthal Village,
Inamkarianthal Post,
Tiruvannamalai(Tk) and District,
Pin 606 604.

.. Petitioner

/versus/

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai, Pin 606 604.

2.The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
Vallal Seethakathi Nagar,
Mannadi, Chennai 600 001.

3.Nawab Chanda Mina Masjid &
Mir Momin Madad Tomb Waqf,
rep.by its Muthawalli,
No.77, Mathalakula Street,
Tiruvannamalai.

.. Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for records relating to the impugned notice in Na.Ka.M2/44168 of 2009 dated 19.11.2024 on the file of the 1st respondent, quash the same.

For Petitioner :Mr.K.Govi Ganesan

For Respondents :Mr.V.Venkata Seshaiah
GA for R1
Mr.Avinash Wadhwani for R2

ORDER

This writ petition is filed challenging the impugned order dated 19.11.2024. The impugned order is a notice issued by the District Collector for removing the petitioner under Section 52(4) of the Waqf Act, 1995.

2. The contention of the petitioner is that the petitioner already filed a Civil Suit in O.S.No.162 of 1991 as against the Muthawalli of the mosque. In the said suit, that was filed on the file of the Additional District Munsif No.II, Thiruvannamalai, two issues were specifically framed as to whether the suit property originally belonged to Valayutha Gounder or whether the suit property belonged to Chandumayan Mosque of Thiruvannamalai. After



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considering the documents, both the issues were held in favour of the petitioner. In the teeth of the said findings of the civil suit and the civil court granting a declaration that the petitioner is only the owner of the property, the entire proceedings that are subsequently taken only based on directions obtained in the writ petition behind the back of the petitioner without considering the said civil court degree, all cannot stand. Therefore, the petitioner is before this Court.

3. Per contra, Mr.V.Venkata Sessaiah, learned Government Advocate appearing for the first respondent and the Mr.Avinash Wadwani, learned counsel appearing for the second respondent submit that when the proceedings were taken, the petitioner filed a statutory appeal before the Tribunal in A.A.SR.No.2055 of 2024 and the same was considered and rejected by an order dated 24.01.2025.

4. I have considered the rival submissions made on either side and perused the material records of the case.



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5. When in respect of the very same cause of action, earlier an appeal has been filed by the petitioner under Section 52(4) of the Waqf Act 1995 in respect of the very same proceedings, the Waqf Tribunal has passed an order dated 24.01.2025. Without challenging the Tribunal's order in the manner known to law, the subsequent notice, that is issued, cannot be challenged by way of this writ petition. The petitioner has an effective remedy of filing a revision petition before this Court as against the order of the Waqf Tribunal. Only in the said proceedings the petitioner can contend about her title. Therefore, keeping open the said liberty of the petitioner to take recourse to law as against the order of the Tamil Nadu Waqf Tribunal dated 24.01.2025, this writ petition stands disposed of. The parties can act on the web copy of the order without waiting for the certified copy of the order. Consequently, connected Miscellaneous Petitions are closed. No costs.

25.03.2025

Neutral citation: no
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