



W.P.No.8320 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.03.2025

CORAM:

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

W.P.No.8320 of 2025

and

W.M.P.No. 9327 of 2025

M.SULTAN AMMA SAHIB

... Petitioner

Vs

1. THE TAMIL NADU WAQF BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
JAFFER SYRANG STREET,
VALLAL SEETHKATHI NAGAR,
CHENNAI – 600 001.
2. THE REVENUE DIVISIONAL OFFICER,
NAGAPATTINAM.
3. THE SUPERINTENDENT OF WAQF,
THANJAVUR RANGE,
RAILWAY COLONY, TANJAVUR - 613 001.
4. THE MUNICIPAL COMMISSIONER,
NAGAPATTINAM MUNICIPALITY,
NAGAPATTINAM.
5. M. MOHAMMED THAHA MARICAR,
MUTHAVALLI,
NAGORE MEERA LABBAI MARICAR WAQF,
7A/103 MOHIDEEN PALLI STREET,
NAGORE – 611 002,
NAGAPATTINAM DISTRICT.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for records of the third respondent herein in Na.Ka.New Registration No.288/Va.Ka/Tanjai/2025 dated 06.03.2025, quash the same.

For Petitioner : Mr.S.V.Karthikeyan
For R1 : Mr.N.Swathi Priya Rai
For R2 : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition is filed for a writ of certiorari, to call for the records of the third respondent herein in Na.Ka.New Registration No. 288/Va.Ka/Tanjai/2025 dated 06.03.2025, quash the same and pass such further orders as this Court may deem fit.

2. The learned counsel appearing on behalf of the petitioner would submit that this is a case of Wakf-al-aulad and that the petitioner is also a beneficiary in respect of the same. Therefore, the very decision of the respondents to evict the petitioner is erroneous in law. In any event, even if



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the petitioner is an encroacher, the respondents must approach the Waqf Tribunal and only after obtaining an eviction order from the Tribunal, the petitioner can be evicted from the premises. Without following the procedure prescribed by law, the impugned notice issued on 06.03.2025 to secure possession from the petitioner on 11.03.2025 is illegal and therefore, the petitioner is before this Court.

3. I have considered the said submission made by the learned counsel for the petitioner.

4. On perusal of the impugned order dated 06.03.2025, it is clear that the proceedings were taken pursuant to the order in C.R.P.(NPD).Nos. 296 and 2070 of 2007 dated 09.10.2018. A perusal of the judgment of this Court in the said C.R.P, this Court passed an order directing the petitioner herein to vacate and hand over possession of the property. The relevant portion in paragraph No. 21 is extracted hereunder for ready reference:

“21. In view of the above discussions, the order of the learned Subordinate Judge (Wakf Tribunal), Nagapattinam is without jurisdiction and therefore, is liable to be set aside. In the result, these Civil Revision Petitions are allowed and the order passed by the learned Principal Subordinate Judge (Wakf



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Tribunal), Nagapattinam in W.O.P.No. 1 of 2004 dated 11.11.2005 is set aside. The order of the petitioner Board dated 24.05.2007 is confirmed and the respondents 1 to 6 herein are directed to hand over possession of property described in the Commissioner's report within a period of two months from the date of receipt of a copy of this order failing which the petitioner Board shall immediately thereafter initiate proceedings under Section 55 of the Wakf Act. It is needless to state that meanwhile, it is open to the Wakf Board to approach the Commissioner of Municipality, Nagapattinam to take immediate steps to demolish the unauthorized constructions put up on the property. The respondents 1 to 6 shall pay costs to the petitioner. Consequently, connected miscellaneous petitions are closed."

5. Therefore, when the petitioner is the third respondent in the said C.R.P. and when there is an express order of this Court directing the petitioner to hand over possession of the property, it is baffling that, till date, the order of this Court remains only on paper. The petitioner, as well as the others, if they have not handed over possession, are in contempt of the orders of this Court. This is not a case where the direction was given to the respondents to take action in the manner known to law. The adjudication in the C.R.P and the further orders thereon are decisions in the manner known to law and the petitioner has no choice but to hand over possession of the property and comply with the order of this Court.



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6. In view thereof, finding no merit, this writ petition stands dismissed.

The respondents are directed to proceed strictly to implement the orders of this Court. It is the duty of everyone concerned to ensure that the order of the Court is complied with and does not remain just a piece of paper. Consequently, connected miscellaneous petition is closed. No costs.

10.03.2025

Neutral Citation: Yes/No
nsl

To

1. THE CHIEF EXECUTIVE OFFICER,
THE TAMIL NADU WAQF BOARD,
JAFFER SYRANG STREET,
VALLAL SEETHKATHI NAGAR,
CHENNAI – 600 001.
2. THE REVENUE DIVISIONAL OFFICER,
NAGAPATTINAM.
3. THE SUPERINTENDENT OF WAQF,
THANJAVUR RANGE,
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4. THE MUNICIPAL COMMISSIONER,
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NAGAPATTINAM.

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D.BHARATHA CHAKRAVARTHY, J.

nsI

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