



WEB COPY



WA.No.1915 of 202.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM
THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.A.No.1915 of 2025
and
C.M.P.No.14552 of 2025

Madarasa Mazharul Hsanth Arabic Padasalai
rep. by tis President O.A.Mohammed Hassain
Having office at S.F.No.170, Kundrathur Main road,
Sikkarayapuram, Kundrathur,
Chennai - 600 069

...Appellant

Vs.

1. The Pattur Jamia Big Mosque Managing
Committee Madrasa-E-Mazharul Hasanath
Arabic Madrasa rep. by tis Secretary,
I.Sadiq Batcha,
Mosque Street, Pattur, Mangadu,
Chennai - 600 122.
 2. The Tashildar,
Taluk Office,
Kundrathur Circle,
Kundrathur,
Chennai - 600 069.
 3. The Land Surveyor/FIRKA Surveyor,
Kundrathur Circle, Chikkarayapuram Village,
Kundrathur, Chennai - 600 069.
 4. The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street, Vallal Seethalakshmi Nagar,
Chennai - 600 001.
- ...Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 12.03.2025 made in W.P.No.4829 of 2023 passed by this Court.

For Appellant : Mr.S.N.Subramani
For Respondents : No appearance for r1
Mr.Vadivel Deenadayalan,Addl.G.P..
for R2 & R3
Mr.Avinash Wadhwani for R4

J U D G M E N T

(The Judgment of the Court was delivered by J.Nisha Banu,J.)

This Writ Appeal has been filed challenging the order dated 12.03.2025 passed in W.P.No.4829 of 2023, in which, the learned single Judge had directed the Tahsildar and Land Surveyor to act upon the application submitted by the petitioner therein and conduct the survey and lay the boundary stones within two weeks and also directed the appellant herein to agitate his rights independently in the manner known to law.

2. Learned counsel for the appellant would state that the appellant is having civil court decree in his favour in O.S.No.149/2010 dated 19.01.2011 on the file of District Munsif cum Judicial Magistrate at Sirperumbudur. However, the learned single Judge, without considering the same, had simply given a direction to measure the property.



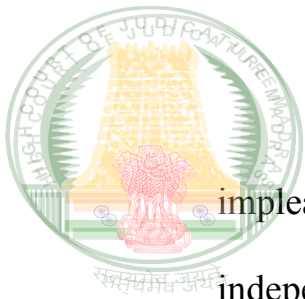
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3. Heard the learned counsel for the appellant, the learned Additional Government Pleader appearing for the 2nd and 3rd respondents, the learned counsel appearing for the 4th respondent and perused the materials available on record.

4. It is seen from the order passed in the writ petition that the petitioner/ Pattur Jamia Big Mosque Managing Committee has filed the writ petition seeking for a direction to the respondents to resurvey the property comprised in S.No.170 to an extent of 0-15.00 hectare situated at Chikkarayapuram Village, Kundrathur Taluk, Kancheepuram and to fix the boundaries so as to fence the property. The learned single Judge after considering the submissions made on either side had passed an order, directing 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 within a period of two weeks from the date of receipt of a copy of that order and also observed that the said order will not standing in the way of impleaded 4th respondent/appellant herein to agitate his rights independently in the manner known to law and it is left open to the 4th respondent to be present at the time of survey.

5. From the above, it is seen that the learned single Judge had considered the submission made by the appellant/4th respondent therein and had observed that the said order will not stand in the way of the



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impleaded 4th respondent/appellant herein to agitate his rights independently in the manner known to law. Therefore, this Court finds no infirmity or illegality in the said order passed in the writ petition and thus, we are not inclined to entertain this Writ Appeal. Accordingly, the Writ Appeal fails and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [M.J.R.,J.]
01.07.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No

To

1. The Tashildar,
Taluk Office,
Kundrathur Circle,
Kundrathur,
Chennai - 600 069.
2. The Land Surveyor/FIRKA Surveyor,
Kundrathur Circle, Chikkarayapuram Village,
Kundrathur, Chennai - 600 069.
3. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street, Vallal Seethalakshmi Nagar,
Chennai - 600 001.

J.NISHA BANU,J.



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AND
M.JOTHIRAMAN,J.

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