

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21581 of 2025

AND

WMP NO. 24340 and 24342 OF 2025

1. Naveen Kumr
S/o. D Amodar Sahu, No. 11
Newpet, G Road, Hosur Town And
Taluk, Krishnagiri District

Petitioner(s)

Vs

1. The Tamil Nadu Wakf Board,
Rep By Chief Executive Officer,
No. 1 Jafar Syrang Street,
Vallal Sethakathi Nagar,
Chennnai 600 001.

2. The Tahsildhar,
Krishnagiri District

3. Eshan Ulla Khan
First Floor Jamia Masjid
Complex, Mg Road, Hosur
Taluk, Krishnagiri District

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorari to call for records pertaining to the order passed by the 1st respondent in his proceedings in Proc no.



866/25/B2/Kgri dated 04.04.2025 and to quash the same and pass orders.

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For Petitioner(s): Mr. S. Sathish Rajan
For Mr. Haja Mohideen Gisthi
Respondent(s): Standing Counsel For R1
Ms. P. Aishwarya
Government Advocate for R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 04.04.2025.

2. Heard Mr. S. Sathish Rajan, learned counsel for the petitioner and Mr. Haja Mohideen Gisthi, learned Standing Counsel For 1st respondent and Ms. P. Aishwarya, learned Government Advocate for 2nd respondent.

3. The 3rd respondent as the Muthavalli of Jamma Masjid, filed a writ petition before this Court in WP No.40067 of 2024 for a direction to the Waqf Board to initiate action against the writ petitioner for removing the encroachments in the Waqf property. The case of the 3rd respondent is that the property belongs to the Darga and the same is in illegal possession of the writ petitioner. Hence, made a representation to the Board and since the same was



not considered, the writ petition was filed before this Court.

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4. The writ petition was disposed of by this Court on 03.01.2025 and the relevant portion is extracted hereunder:-

6. In view of the same, without going into the merits of the claim made by the petitioner, he is directed to submit a fresh representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made by the petitioner, the same shall be considered by the 1st respondent and final orders shall be passed on its own merits within a period of eight weeks from the date of receipt of representation after issuing necessary notice to the petitioner and the 5th respondent.

5. Pursuant to the above order, the impugned proceedings dated 04.04.2025 came to be issued by the 1st respondent and aggrieved by the same, the writ petition was filed before this Court.

6. When the writ petition came up for hearing on 18.06.2025, this Court passed the following order:-

Mr.Haja Mohideen Gisthi, learned Standing Counsel takes notice on behalf of the 1st respondent.

2.Ms.P.Aishwarya, learned Government Advocate takes notice on behalf of the 2nd respondent.



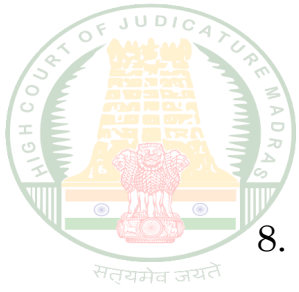
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3.The specific ground raised by the learned counsel for the petitioner is that in spite of the earlier order passed by this Court in W.P.No.40067 of 2024 dated 03.01.2025, wherein, the Court had directed the Waqf Board to afford opportunity to the petitioner before taking any action, no notice was issued to the petitioner and the impugned order came to be passed.

4.The learned Standing Counsel appearing on behalf of the 1st respondent wants to take instructions in this regard.

5.Post this writ petition at the end of the motion list on 23.06.2025.

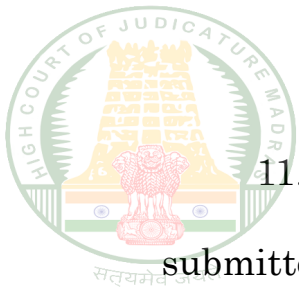
7. When the matter was taken up for hearing today, Mr.Haja Mohideen Gisthi, learned Standing Counsel appearing on behalf of the Waqf Board submitted that the board has not initiated any action under Section 54 of the Tamil Nadu Waqf Act, since there was no materials produced before the Board to show that the petitioner has encroached upon the property belonging to the Waqf Board. Hence, through the impugned proceedings dated 04.04.2025, the Board directed the 3rd respondent to submit an application before the Tahsildar and seek for a survey and if upon survey, it is established that the petitioner has encroached upon the property belonging to the Waqf, action can be initiated under Section 54 of the Act. The learned Standing counsel therefore submitted that the petitioner cannot be aggrieved with the impugned proceedings dated 04.04.2025 since there was nothing adverse against the petitioner.



8. Per contra, the learned counsel for the petitioner submitted that the Waqf Board could not have initiated proceedings under Section 54 of the Act and therefore, the very power and jurisdiction is being questioned.

9. In the considered view of this Court, the Waqf Board has made it clear that they have not initiated any proceedings under Section 54 of the Waqf Act for want of necessary particulars. Therefore, whether the Waqf Board can institute such proceedings, is not an issue to be gone into in the present writ petition.

10. The 1st respondent has intimated the 3rd respondent that he must get a report of the Tahsildar after conducting a survey and only if the encroachment is established, further action can be initiated by the Waqf Board. The 1st respondent also made it clear that such survey should be conducted only after issuing notice to the writ petitioner. Hence, the 1st respondent has fairly safeguarded the interest of the petitioner.



11. In view of the above, as and when any application is submitted by the 3rd respondent to survey the property, the concerned Tahsildar shall issue notice to the writ petitioner also before conducting the survey. If ultimately, based on the survey report, the 1st respondent initiate proceedings under section 54 of the Waqf Act, the earlier directions issued by this Court in WP No.40067 of 2024 dated 03.01.2025 shall be strictly complied with by issuing notice to the petitioner and afford an opportunity before taking a final decision.

11. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

23-06-2025

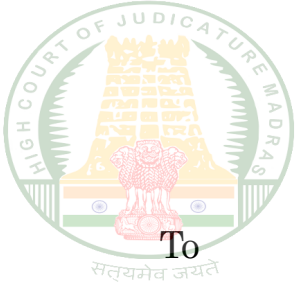
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

WEB C.T.N

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2025, WMP NO. 24342
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