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W.P.No.23316 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23316 of 2025

MASJID E MOHAMADIYA  
REP BY ITS SECRETARY A.HAMSA BAI,  
NO.11, KARUMARIAMMAN KOIL STREET, NANDAVANA  
METTUR, AVADI, CHENNAI-54 ... Petitioners

Vs.

1.THE DISTRICT COLLECTOR,  
THIRUVALLUR, COLLECTORATE, THIRUVALLUR DISTRICT

2.THE DISTRICT REVENUE OFFICER,  
THIRUVALLUR DISTRICT, COLLECTORATE THIRUVALLUR  
DISTRICT

3.THE REVEUE DIVISIONAL OFFICER,  
THIRUVALLUR DISTRICT, THIRUVALLUR

4.THE TAHSILDAR,  
AVADI TALUK, AVADI, CHENNAI

5.THE COMMISSIONER  
AVADI MUNICIPALITY, AVADI, THIRUVALLUR DISTRICT

6.THE TAMILNADU WAKF BOARD,  
REP BY ITS CHIEF EXECUTIVE OFFICER, NO.1, JAFFAR SYRANG  
STREET, VALLAL SEETHAKATHI NAGAR,  
CHENNAI-1 ... Respondents



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**PRAYER:**

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to rectify the records in respect of the property comprised in S.No.246/6 Villinjampakkam village, Avadi, Thiruvallur District measuring 13 cents and issue patta in favour of the petitioner Wakf as sought vide representation dated 25.3.2025

For Petitioner : Mr.I.KOWSER NISSAR

For Respondents

For R1 to 4 : Mr.P.Ganesan,  
Government Advocate

For R5 : Mr.RA.Gopinath,  
Standing Counsel

**ORDER**

This writ petition has been filed for direction to respondents 1 to 4 to rectify the records in respect of the property comprised in survey No.246/6 Villinjampakkam Village, Avadi, Tiruvallur District to an extent of 13 cents and also for issuance of patta in favour of the petitioner.



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2. The land comprised in survey No.246/6 Villinjampakkam

Village, Avadi, Tiruvallur District to an extent of 13 cents is now under the occupation of the petitioner. The petitioner was treated as encroacher and was issued notice by the fifth respondent dated 14.02.2025. It was challenged by the petitioner before this court. The Hon'ble Division Bench of this Court, in WP.No.9012 of 2025, by order dated 20.03.2025 issued the following directions:

*10. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:*

*10.1 We are not issuing writ of certiorari and dislodging (setting aside) the impugned notice but we exercise our inherent powers and write that the impugned notice shall now be treated as 'Show Cause Notice (SCN)' within the meaning of Section 128(1)(b) of TNULB Act;*

*10.2 R1 shall communicate (with due acknowledgement) a copy of this order to R6 forthwith;*

*10.3 The above means that the noticees i.e., writ petitioner and R6 can send representation/s within a fortnight from today i.e., on or before 03.04.2025;*



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*10.4 On writ petitioner and/or R6 send representation, R1 shall consider the same and pass 'final orders' within the meaning of proviso to Section 128(1)(b) of TNULB Act;*

*10.5 If no representation is received within 15 days period, it is open to R1 to proceed pursuant to impugned notice as we are not dislodging the impugned notice;*

*10.6 Though obvious it is made clear that we have not expressed any view or opinion on the merits of the matter and on representation/s is/are sent, R1 shall consider the same on its own merits and in accordance with law untrammelled by this order;*

*10.7 'Final orders' to be made by R1 in the aforementioned manner shall be served on the writ petitioner as well as R6 under due acknowledgement within five working days from the date on which the order is made;*

*10.8 If the 'final orders' made in the aforesaid manner is adverse to the writ petitioner, the order shall be kept in abeyance for 10 days from the date of service of the same on the writ petitioner so as to enable writ petitioner to work out remedies if any in accordance with law;*



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*10.9 Though obvious we make it clear that any coercive action pursuant to the impugned notice shall be subject to and depending on the final orders to be made in the aforesaid manner.*

*11. Captioned WP is disposed of in the aforesaid manner with the aforementioned observations and directives. As we have made it clear that coercive action if any shall be subject to and depending on 'final orders' to be made by R1 in the manner set out supra, the captioned Writ Miscellaneous Petition (WMP) has become otiose and the same is closed. There shall be no order as to costs.*

3. Accordingly, as directed by this Court, now enquiry is pending on the file of the fifth respondent herein. While enquiry is pending on the file of the fifth respondent, the petitioner submitted representation. While pending enquiry, the petitioner has now requested a direction to respondents 1 to 4 herein to rectify the revenue records in respect of the subject property in the name of the petitioner and to issue patta. When the petitioner has now been treated as encroacher and when the petitioner is facing enquiry on the file of the fifth respondent, the petitioner is not entitled to the relief as prayed in this writ petition.



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Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

4. Accordingly, this writ petition is dismissed. However, the petitioner can approach the third respondent subject to the result of the enquiry and the orders to be passed by the fifth respondent. There shall be no order as to costs.

22.10.2025

Neutral citation: Yes/No  
Index: Yes/No  
Speaking/Non-speaking order  
lok



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**G.K.ILANTHIRAIYAN, J.**

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