



W.P.(MD)No.4059 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4059 of 2025

and

W.M.P.(MD)No.2912 of 2025

G.Jeyachandran

... Petitioner

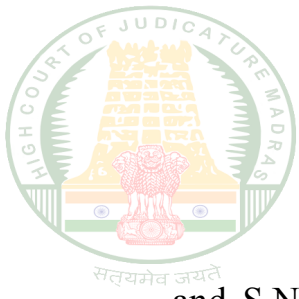
-VS-

1.The Tamil Nadu Waqf Board,
Rep. by its Superintendent,
Thanjavur Region,
Muhammed Ali Kuthpa Thaikkal Eidhaa Mosque Complex,
Railway Colony,
Thanjavur - 613 001.

2.Hazarath Sharan Sha Thaikkal @ Kundu Thaikkal,
Rep by its Trustee and Muthavalli,
Janab Syed Babu @ Mankarar Alisha Kandhiri,
S/o.Syed Ameer,
No.98-A,Muthojiappachavadi,
Pudhupattinam Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent not to proceed with the permanent lease in respect of the agricultural lands under the possession and enjoyment of the petitioner as a cultivating tenant in respect of S.No.104/1A2



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and S.No.106/1 to an extent of Hectare 1.26.5 ares of Pudhupattinam Village, Thanjavur Taluk, Thanjavur District, as per the first respondent's notification dated 30.01.2025, on the basis of the petitioner's representation dated 05.02.2025.

For Petitioner : Mr.V.Balaji

For R1 : Mr.S.A.Ajmalkhan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the first respondent not to proceed with the permanent lease in respect of the agricultural lands under the possession and enjoyment of the petitioner as a cultivating tenant in respect of S.No.104/1A2 and S.No.106/1, measuring an extent of Hectare 1.26.5 Ares of Pudhupattinam Village, Thanjavur Taluk, Thanjavur District, as per the first respondent's notification dated 30.01.2025, on the basis of the petitioner's representation dated 05.02.2025.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. Since no adverse orders are going to be passed against the second respondent, notice to the second respondent is hereby dispensed with.



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4. The petitioner claims that the agricultural properties in S.Nos.104/1A2 and 106/2, measuring 1.50 acres and 1.66 acres (equivalent to 1.26.5 hectares and ares) of Pudhupattinam Village, Thanjavur District, which belonged to the second respondent, were leased out to his father, namely Gangamirtham, on 05.04.1987. From the date of the lease, his father was in possession and enjoyment of the said property as a cultivating tenant. Until his father's death, the petitioner and his father contributed their own physical labour to carry out the agricultural operations by either paying money or giving 43 Kalams of paddy to the second respondent for every Fasli year. While so, the first respondent issued a paper publication calling for long-term lease applications until 14.02.2025, 05:45 p.m. Therefore, the petitioner sent a representation to the first respondent on 05.02.2025. Since no action has been taken, the petitioner has approached this Court by filing the present writ petition.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and



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hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 05.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No

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VIVEK KUMAR SINGH, J.

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