



W.P.(MD)No.4471 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4471 of 2025

and

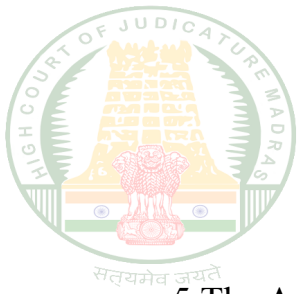
W.M.P.(MD)No.3209 of 2025

S.Nazeer Basha

... Petitioner

-VS-

- 1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 2.The District Collector,
District Collector Office,
Trichy District.
- 3.The Commissioner,
Tiruchirappalli City Corporation,
Corporation Commissioners Office,
Trichy - 620 001.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy District.



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5. The Assistant Commissioner,
Tiruchirappalli City Corporation,
Ward Office Zone V,
Puthur,
Trichy - 620 017.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to forbear the third respondent from proceeding with the construction of park, swimming pool or undertaking any other purposes that may prejudice the interest of Meer Hasanullah Sha Dargah Waqf, in relation to the properties situated in T.S.No.16/1, measuring 43,551 sq.ft. and T.S.No.19/1, measuring 1,701 sq.ft., situated at Tennur, Trichy District, in accordance with law.

For Petitioner	:	Ms.S.Mahalakshmi
For R1	:	Mr.S.A.Ajmalkhan Standing Counsel
For R2 and R4	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R3 and R5	:	Mr.R.Bhaskaran Senior Counsel for Mr.Kishoreram for M/s.R.B. Law Associates



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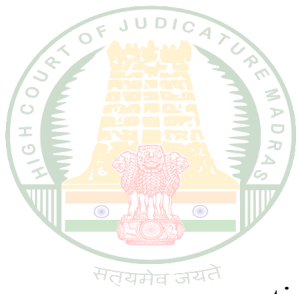
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ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to forbear the third respondent from proceeding with the construction of park, swimming pool or undertaking any other purposes that may prejudice the interest of Meer Hasanullah Sha Dargah Waqf, in relation to the properties situated in T.S.No.16/1, measuring 43,551 sq.ft. and T.S.No.19/1, measuring 1,701 sq.ft., situated at Tennur, Trichy District, in accordance with law.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

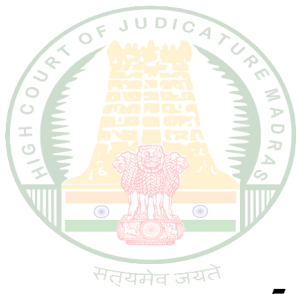
3. The learned counsel for the petitioner submits that the petitioner is the Muthavalli of Meer Hasanullah Sha Dargah Waqf, situated at Pensioner Street, Thennur, Trichy District. On 07.10.1982, an award was passed in Award Proceeding No.7/82 by the Land Acquisition Officer and Revenue Divisional Officer for land acquisition to construct houses for the Co-operative Housing Board Society. As per the award, the properties in T.S.No.16/2, measuring 28,408 sq.ft. and T.S.No.19/2, measuring 33,278 sq.ft., were acquired and compensation of Rs.70,938.90 was deposited in the name of the Dargah. However, the



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properties in T.S.No.16/1, measuring 43,551 sq.ft. and T.S.No.19/1, measuring 1,701 sq.ft. were illegally acquired for constructing a park and a swimming pool without following the due process. Subsequently, the petitioner submitted representations dated 24.11.2024 and 08.01.2025 to the second respondent, seeking action. As per Section 91 of the Waqf Act, any acquisition of Waqf property requires prior notice to the Tamil Nadu Waqf Board. Further, under Section 51(1-A) of the Waqf Act, any acquisition of Waqf property under the Land Acquisition Act, 1894, must not violate the Places of Worship (Special Provisions) Act, 1991. Despite the same, the respondents 2 to 4 failed to follow the due process and the third respondent illegally commenced construction activities. Hence, the petitioner has filed the present Writ Petition.

4. The learned Senior Counsel appearing for the respondents 3 and 5 submits that, as per the letter of the Chief Executive Officer, Tamil Nadu Waqf Board, dated 31.12.2024, the petitioner has the option to raise objections against the acquisition of Waqf property either before the Waqf Board or before the District Collector. Therefore, the present writ petition is not maintainable and is liable to be dismissed.



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5. Heard the learned counsel appearing for the parties.

6. Considering the above submissions and in the light of the letter of the Chief Executive Officer, Tamil Nadu Waqf Board, dated 31.12.2024, the petitioner is at liberty to raise his objections before the Waqf Board or the District Collector within a period of two weeks from today. If the petitioner files his objections within the said period, the competent authority shall decide the same on merits and pass appropriate orders in accordance with law, within a further period of two weeks.

7. This Writ Petition is disposed of accordingly. 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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