



W.P.(MD)No.13938 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2025**

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.13938 of 2023 &
W.M.P(MD)No.11762 of 2023

R.Doulath Hussain Khan,
Hereditary Mutawalli,
Jummah Mosque Waqf (GS No.162/Trichy),
No.362, Gandhi Nagar,
Manapparai,
Tiruchirapalli.

...Petitioner

vs.

1.The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The District Collector,
O/o.the District Collector,
Trichy District.

3.The Commissioner,
Manapparai Municipality,
Manapparai,
Trichy District.

4.The Superintendent of Wakf,
Manapparai,
Trichy District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus restraining the respondents 2 and 3 from laying



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down Black top road (Thar road) in the land belonging to the Jummah Mosque Waqf situated at S.Nos.759/1, 759/6 and 760, Sevalur Revenue Village, Manapparai Taluk, Trichy District in light of the fair and decreetal order in O.S.No.282/2001, dated 30.06.2015 on the file of the District Munsif Court, Manapparai without acquiring the same in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other law for the time being in force.

For Petitioner : Ms.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : Mr.K.Balasubramani,
Special Government Pleader for R2
Mr.D.S.Haroon Rashid for R1 & R4
No appearance for R3

ORDER

This Writ Petition has been filed to restrain the respondents 2 and 3 from laying thar road in the land belonging to the Jummah Mosque Waqf situated at S.Nos.759/1, 759/6 and 760, Sevalur Revenue Village, Manapparai Taluk, Trichy District, in light of the fair and decreetal order in O.S.No.282/2001, dated 30.06.2015 on the file of the District Munsif Court, Manapparai, without acquiring the same in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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2. The petitioner is the original owner of the land situated in S.Nos. 759/1, 759/6 and 760, Sevalur Revenue Village, Manapparai Taluk, Trichy District. Since there was a dispute in respect of that land, the petitioner filed a declaration suit in O.S.No.282 of 2001 on the file of the District Munsif Court, Manapparai and vide fair and decreetal order dated 30.06.2015, the suit was decreed in favour of the petitioner. While so, since the third respondent intends to lay thar road in the petitioner's land without following due process of law, the present petition has been filed.

3. The learned counsel appearing for the petitioner would fairly submit that in the event if the third respondent wants to lay thar road in the petitioner's land, it can be done only after the acquisition of petitioner's land, by paying compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. There is no representation for the third respondent. The respondents 1, 2 and 4 are formal parties.

5. Upon hearing the learned counsel appearing for the petitioner, I find force in her submissions. The petitioner has got a decreetal order dated



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30.06.2015 in O.S.No.282 of 2001 on the file of the District Munsif Court, Manapparai, decreeing that the suit properties belong to the petitioner - Jummah Mosque Waqf. Therefore, if the third respondent intends to lay thar in the aforementioned land, it can be done only after the acquisition of the land by paying appropriate compensation to the petitioner under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. With the above observations, this Writ Petition is disposed of No Costs. Consequently, connected Miscellaneous Petition is closed.

10.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

mbi

To

1.The District Collector,
O/o.the District Collector,
Trichy District.

2.The Commissioner,
Manapparai Municipality,
Manapparai,
Trichy District.



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KRISHNAN RAMASAMY, J.

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