



W.P.(MD) No.351 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.351 of 2018

and

W.M.P(MD)No.358 of 2018

K.Maideen Shah

... Petitioner

vs.

1.The Tamil Nadu Wakf Board,
Rep. by the Chief Executive Officer,
No.1, Jaffar Sirang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.The District Collector,
Dindigul, Dindigul District.

3.The District Revenue Officer,
Dindigul, Dindigul District.

4.The Revenue Divisional Officer,
Dindigul, Dindigul District.

5.The Thasildar,
Natham Taluk,'
Dindigul District.

6.The Wakf Inspector,
Eidgah Mahal,
Mohamathiapuram,
Dindigul.



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7.Lal Batcha
8.Korabha Jaber
9.Akbar
10.Hairunisha Beevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of Na.Ka.No. 29703/16/I-7, dated 09.11.2017 issued by the third respondent and quash the same as illegal in competent and without jurisdiction and consequently direct the second respondent to take action for recovery of the proeprty belonging to the wakf 'Karanthamalai Sheik Bava Dargah' in S.No.117/1 measuring 64 cents in Natham Village, Dindigul District, from the private respondents 7 to 10 and persons claims under them as per the Wakf Act, within a stipulated time.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.D.S.Haroon Rasheed for R1 & R6

Mr.C.Satheesh
Government Advocate for R2 to R5

No Appearance for R7 to R10

ORDER

Heard Mr.H.Lakshmi Shankar, learned counsel appearing for the petitioner, Mr.D.S.Haroon Rasheed, learned counsel appearing for the respondents 1 and 6 and Mr.C.Satheesh, learned Government Advocate appearing for the respondents 2 to 5. No appearance on behalf of the respondents 7 to 10.



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2.The writ petitioner challenges the impugned order passed by the third respondent in Na.Ka.No.29703/16/I-7, dated 09.11.2017.

3.The primordial contention of the petitioner is that the property comprised in S.No.117/1, Natham Taluk, Dindigul District, is a Wakf property registered in the name of 'Karanthamalai Sheik Bawa Dargah' in Inam fair register in T.D.No. 824. The private respondents suppressing the said factum have obtained patta and subdivision in their names in respect of the survey number, which is opposed to the letter and spirit of the Wakf Act, 1995. The petitioner made an application before the first respondent in the year 2010 regarding the illegal alienations made and for action to be taken for recovery of the said property. The first respondent-Board, has directed the respondents 2, 4 and 5 by a communication dated 20.10.2015 to cancel the pattas and protect the properties belonging to the Wakf Board. However, no action was taken by the revenue authorities thereupon. The petitioner, thereafter, moved a writ petition in W.P(MD)No.19127 of 2016 and this Court rightly directed the District Collector to take action under Section 52(2) of the Wakf Act and pass suitable orders. In pursuance of the said order, it appears that the District Collector has required the District Revenue Officer to conduct an enquiry. The petitioner was also called for enquiry and under the



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4.Further, the learned counsel for the respondents 1 and 6 also confirms that the property, which is the subject matter of the dispute in S.No.117/1, belongs to the Wakf and it is the District Collector alone who is empowered to enquire into the matter. Considering the above, the impugned order is clearly unsustainable and is liable to be set aside.



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5. Accordingly, this Writ Petition is allowed and the impugned order is set aside. The matter is remitted to the second respondent to conduct a detailed enquiry after affording an opportunity to the petitioner as well as the private respondents in whose names, pattas have been mutated and thereafter, final orders shall be passed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1. The District Collector,
Dindigul, Dindigul District.
2. The District Revenue Officer,
Dindigul, Dindigul District.
3. The Revenue Divisional Officer,
Dindigul, Dindigul District.
4. The Thasildar,
Natham Taluk,
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5.The Wakf Inspector,
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