



W.P.(MD) No. 22330 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 22330 of 2025

Alimsha Sahib Dargah Waqf,
rep. by its President C.A.Amanullah.

... Petitioner

Vs

The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai- 6000 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent to consider the representation dated 04.07.2025 and take action under Section 54(3) of the Waqf Act, 1995 and thereby take possession of the property in S.Nos.735/1, 1068, 1091 measuring an extent of 104.77 acres, situated at Palayam Village, Gujiliyamparai Taluk, Dindigul District belongs to Alimsa Sahib Dargah Waqf, within the time frame fixed by this Court.

For petitioner : Ms. A.Ajimath Begum



W.P.(MD) No. 22330 of 2025

WEB COPY

For respondent : Mr.K.K.Senthil
Standing Counsel

ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

2. The petitioner/Alimsha Sahib Dargah Waqf has approached this Court for a Mandamus to direct the respondent to consider the representation dated 04.07.2025 and take action under Section 54(3) of the Waqf Act, 1995 and thereby, take possession of the property in S.Nos.735/1, 1068, 1091, measuring an extent of 104.77 acres, situated at Palayam Village, Gujiliyamparai Taluk, Dindigul District belonging to Alimsa Sahib Dargah Waqf.

3. The case of the petitioner is that the petitioner/Waqf had given a representation way back in 2009, pursuant to which the respondent had directed the encroacher to vacate the encroached property of the petitioner/Waqf.



W.P.(MD) No. 22330 of 2025

WEB COPY

4. It is submitted that aggrieved by the said order of the respondent, the encroacher, namely, one Perumal Gounder had approached the Tamil Nadu Waqf Tribunal at Chennai under Section 73 of the Waqf Act, 1995 in O.A.No.99 of 2018 (old W.O.P.No.3 of 2010 before the Principal Sub Court, Dindigul), which has now been dismissed by a fair and decreetal order, dated 08.04.2022.

5. It is submitted that despite the same, no steps have been taken in furtherance of the aforesaid dismissal. Hence, it is prayed for the respondent to be directed to take steps in furtherance of the petitioner's representation dated 04.07.2025.

6. The learned Standing Counsel for the respondent submits that the petitioner's representation will be considered.

7. *Prima facie*, it appears that the respondent has no option but to act in furtherance of Section 54(3) of the Waqf Act, 1995. The issue has attained finality as far as the encroacher, namely, Perumal Gounder is concerned *vide* a fair and decreetal order dated 08.04.2022 in O.S.No.99 of 2018 by the order of the Wakf



W.P.(MD) No. 22330 of 2025

WEB COPY

Tribunal (Formerly W.O.P.No.03/2010 before the Waqf Tribunal/Principal Sub Court, Dindigul). Hence, the respondent is directed to within a period of three (3) months from the date of receipt of a copy of this order under Section 54(3) of the Waqf Act, 1995.

8. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No

Internet : Yes / No

apd

14.08.2025

To

The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai- 6000 001.



WEB COPY



W.P.(MD) No. 22330 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 22330 of 2025

14.08.2025