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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

Case QR

WP No. 43687 of 2026

CNR:{HCMA012512222026}

Kuduvan Sha Fakir Darga Waqf
Rep by its Hereditary Muthawalli,
D.Fakrudeen
No.7A, 1st Floor,
Thopaiyappan St,
Chidambaram 608 001

..Petitioner(s)

Vs

1. The Chairman
   Tamil Nadu Wakf Board,
   NO.1 Jaffar Syrang Street,
   Vallal Seethakathi Nagar,
   Chennai600 001
2. The Chief Executive Officer
   Tamil Nadu Wakf Board,
   NO.1 Jaffar Syrang Street,
   Vallal Seethakathi Nagar,
   Chennai600 001

3. The Superintendent
   Cuddalore Division,
   Tamil Nadu Walf Board
   No.512, Gandhi Road,
   Panruti, Cuddalore 607 106

..Respondent(s)

Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus to direct the 1st and 2nd respondents to consider and pass order on the petitioners representations dated 26.05.2025 and 13.08.2026 respectively, to take immediate action and proceeding against the encroachers under section 54 of the Wakf Act, 1995 to recover and prevent further alienation

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of the wakf properties in survey No.20 sub division 7, Pallipadai Village, Chidambaram tk measuring 1-34.50 hectare belonging to the petitioner waqf.

For Petitioner(s): Mr.I.Abdul Basith

For Respondent(s): Ms.N.Swathi Priya Raj

ORDER

This Writ Petition has been filed seeking direction to the 1st and 2nd Respondents to consider and pass orders on the Petitioner's representations dated 26.05.2025 and 13.08.2026 respectively, to initiate immediate statutory action against the encroachers under Section 54 of the Wakf Act, 1995, in order to recover and prevent further alienation of the Waqf properties comprised in Survey No. 20, Sub-division 7, situated at Pallipadai Village, Chidambaram Taluk, Cuddalore District, measuring an extent of 1-34.50 Hectares belonging to the Petitioner Waqf within a specified time frame.

2. According to the petitioner, the Kuduvan Sha Fakir Darga Waqf (registered as G.S.No.40/South Arcot) is a notified Waqf under Section 5 of the Waqf Act, 1995, and possesses valuable immovable properties within the Chidambaram region. The grievance of the petitioner is that a vast extent of 1-34.50 Hectares of Waqf land in Survey No. 20, Sub-division 7, at Pallipadai Village has been illegally encroached upon and encumbered by various private

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third parties. Although preliminary notices under Section 54(1) of the Act were issued as early as the year 2001, no logical follow-up action was taken. The petitioner states that the encroachers are currently putting up unauthorized construction on the site with impunity. Seeking removal of the encroachments, the petitioner submitted formal representations to the respondents on 26.05.2025 and 13.08.2026. Since the statutory authorities have failed to act on the representations to protect the religious property, the petitioner has approached this Court.

3. The learned Standing Counsel appearing on behalf of the respondents submits that the representations submitted by the petitioner will be considered and disposed of by the official respondents on its own merits and strictly in accordance with the statutory procedures contemplated under the Wakf Act, 1995, within a time frame to be fixed by this Court.

4. Heard both sides and perused the materials available on record.

5. Without expressing any opinion on the merits of the matter, this Court is of the view that any application or representation submitted to a statutory

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authority needs proper consideration and cannot be kept pending indefinitely without any valid justification. Public authorities are bound to look into such requests and dispose of them in accordance with law within a reasonable time frame, especially when allegations of encroachment over religious and public endowments are brought to light.

6. In view of the limited scope of the prayer sought for and the submissions made by both sides, this Writ Petition is disposed of with a direction to the 2nd respondent (The Chief Executive Officer, Tamil Nadu Wakf Board) to consider the petitioner's representations dated 26.05.2025 and 13.08.2026 regarding the unauthorized encroachments on the Waqf property comprised in Survey No. 20, Sub-division 7, situated at Pallipadai Village, Chidambaram Taluk, Cuddalore District. The 2nd respondent shall call for a field verification report from the 3rd respondent and, after issuing notice and affording a fair hearing to the petitioner as well as the alleged encroachers or any other interested parties who may be affected, pass final orders on merits and in accordance with the provisions of Section 54 of the Wakf Act, 1995, within a period of two (2) weeks from the date of receipt of a copy of this order.

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7. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the parties.

8. Accordingly, this Writ Petition stands disposed of. No costs.

K.SURENDER J.
03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JAI
To
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