



W.P(MD)No.14554 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 03.06.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.14554 of 2026

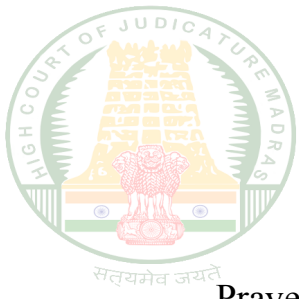
Imam Soubar Sathik .

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafer Sirang Street,
Vallal Seethakathi Nagar,
Chennai 600001.
2. The District Collector,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
Madurai,
Madurai District.
4. The Zonal Superintendent,
Tamil Nadu Waqf Board,
Madurai Zone,
Madurai.
5. The Tahsildar,
Madurai North Taluk,
Madurai District.

...Respondents



W.P(MD)No.14554 of 2026

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents 1 and 4 to consider the petitioner representation dated 11.04.2026 and consequently remove the illegal encroachment and unauthorized RCC and tin-sheet construction put up in the Government granted Kabristan/Burial Ground situated at comprised in Ward Survey No.10, Block NO.31, Old D.S.No.1246, New D.S.No.4772, Goripalayam, Madurai District within stipulated time by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner	:M/s.A.Banumathy
For R2 to R5	:Mr.R.Parthiban Government Advocate
For R1	:Mr.K.Jeya Mohan

ORDER

The writ petition is filed for a mandamus directing the respondents 1 to 4 to consider the representation of the petitioner dated 11.04.2026 and consequently, remove the illegal encroachment and unauthorized RCC and tin-sheet construction put up in the government granted Kabristan / Burial Ground situated in S.No.10, Block No.31, Old D.S.No.1246, New D.S.No.4772, Goripalayam, Madurai District.



W.P(MD)No.14554 of 2026

WEB COPY

2. The learned counsel appearing for the petitioner would submit that an unauthorized construction has been made in the Kabristan and therefore, the petitioner has made a representation.

3. The learned counsel appearing on behalf of the Waqf Board would submit that firstly, the Waqf Board must satisfy itself by conducting a preliminary inquiry and only if an encroachment is there, only thereafter, due application under Section 54 would be made to the appropriate authority for further action before the tribunal for eviction.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. It must be seen that in this case, though encroachment is alleged, the particular person who said to encroached is not added as a party. Under the said circumstances, this court is not making any observation on the truth or otherwise of the petitioner's averment.



W.P(MD)No.14554 of 2026

WEB COPY

6. The writ petition is disposed of on the following terms:-

i. The 1st respondent Board shall take up the representation dated 11.04.2026 submitted by the petitioner.

ii. Due notice shall be issued to the petitioner as well as to the alleged encroacher(s), and only after conducting an enquiry and providing an opportunity to the alleged encroacher(s) shall the satisfaction of the Waqf Board be recorded; thereafter, an application shall be filed before the Tribunal only if the Waqf Board finds that there is an encroachment.

iii. The aforesaid enquiry shall be completed within a period of three months from the date of receipt of the web copy of the order.

iv. No cost.

03.06.2026

Neutral Citation: No
rgm



W.P(MD)No.14554 of 2026

WEB COPY

To

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafer Sirang Street,
Vallal Seethakathi Nagar,
Chennai 600001.
2. The District Collector,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
Madurai,
Madurai District.
4. The Zonal Superintendent,
Tamil Nadu Waqf Board,
Madurai Zone,
Madurai.
5. The Tahsildar,
Madurai North Taluk,
Madurai District.



WEB COPY



W.P(MD)No.14554 of 2026

D.BHARATHA CHAKRAVARTHY, J.

rgm

W.P(MD)No.14554 of 2026

03.06.2026