

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11448 of 2015

Razak Khan

.. Petitioner

- Vs -

1. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarong Street,
Chennai.
 2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarong Street,
Chennai.
 3. The Wakf Inspector,
Tamil Nadu Wakf Board,
No.512, Gandhi Street,
Panruti, Panruti Taluk,
Cuddalore District.
- .. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 and 2 to pass orders on the representation dated 11.03.2015 sent by the petitioner.

Petitioner : Mr.R.Gururaj
For Respondents : Mr.V.Lakshminarayanan

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner states that in respect of "Lal Khan Pallivasal" the founder Lal Khan endowed his properties for the maintenance of the mosque and the properties are located in Melamoongiladi, Keezhamoongiladi, Kumaramangalam and Madurantakanallur villages in Chidambaram Taluk, Cuddalore District. It is further submitted by the petitioner that by judgment and decree dated 02.08.1922 in O.S.No.57 of 1920, scheme decree was framed for the "Lal Khan Pallivasal" by the Sub Court, Cuddalore. For the said Mosque, as per Clause No.5,

the administration of the mosque shall vest in three trustees of the male sex, one of whom shall be descendant of Lal Khan, the founder of the mosque. All the trustees shall be duly elected in the manner given below and shall hold office each for five years and an outgoing trustee shall be eligible for re-election. According to the petitioner, the scheme decree is still in force and the same has not been set aside or modified and the same is notified under the Wakf Act, 1995 in G.S.No.44/S.A. The petitioner claims that he is the descendant of Lal Khan and presently the only person interested in being recognised as the hereditary trustee. The right is vested in him and it is a pre-existing right. The petitioner further submits that the respondents have not appointed him as the trustee as per the scheme decree and hence in this regard, he has submitted a representation dated 11.03.2015 to the respondents and since he has not been favoured with any response, he has come forward with this writ petition.

3. Heard the submissions of Mr.R.Gururaj, learned counsel appearing for the petitioner and Mr.V.Lakshminarayanan, learned standing counsel appearing for the respondents 1 to 3.

4. This Court, without going into the merits of the representation, directs the second respondent to consider and dispose of the representation of the petitioner dated 11.03.2015 and pass orders, on merits and in accordance with law, after putting on notice the concerned persons, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the concerned persons. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman, Tamil Nadu Wakf Board,
No.1, Jaffar Sarong Street, Chennai.
 2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarong Street, Chennai.
 3. The Wakf Inspector, Tamil Nadu Wakf Board,
No.512, Gandhi Street,
Panruti, Panruti Taluk, Cuddalore District.
- + 2 cc to Mr.R. Gururaj, Advocate SR.21680, 21367

GJ(CO)EU .04.2015

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