

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12705 of 2015

Mr.A.M.Hidayathullah

.. Petitioner

Versus

- 1 The Chief Executive Officer
Tamilnadu Wakf Board No.1 Jaffer Serang
Road Vellal Seethakathi Nagar Chennai-1
 - 2 The Wakf Superintendent
Majjid Complex NO.14-15 Avinashi Salai
Coimbatore 641018
 - 3 The Muttavalli
Hithayathul Islam Shafiya Majjith No.1
HMPR Street Fort Coimbatore 641 001
 - 4 The Secretary
Hithayathul Islam Shafiya Majjith No.1
HMPR Street Fort Coimbatore 641 001
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 1 & 2 herein to consider the petitioner representation dated 4.4.2015 and pass appropriate orders in accordance with law within the time stipulated by this Honourable court.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.V.Lakshminarayanan (for R1 & R2)

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O R D E R

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

2. The petitioner claims that his great grand father late Mr.Janab Haji A.U.Mohammed Pillai Rowther, constructed a Mosque and name it "Hithayathul Islam Shafiyya" and to manage the affairs of the said Mosque, he propounded a Society in the year 1903 in the name and

style of "Hithayathul Islam Shafiyya Jamath", which was registered under the Societies Registration Act, 1860 and its registration number is 1/1924-25 and the Bye-laws provides for election to the Society for every year and elected office bearers have to effectively manage the affairs of the Society.

3. The petitioner would further state that the Society established several schools and colleges in Coimbatore to disseminate basic education as well as the higher education and he further claimed that after the death of his great grand father, his body was buried within the premises of the said Mosque and muqbara (Samadhi) was also constructed over the said place and was duly managed by his followers.

4. The grievance expressed by the petitioner is that the present office bearers of the 4th respondent has removed the flag stag from the Mosque premises and also mismanaging the affairs of the Society and in this regard, he submitted a detailed representation dated 04.04.2015 to the 1st respondent and though, it has been acknowledged, he has not been favoured with any response and hence, came forward to file this writ petition.

5. Heard the submissions of Mr.Thirumavalavan, learned counsel appearing for the petitioner and Mr.V.Lakshminarayanan, learned standing counsel, who accepts notice for the respondents 1 and 2.

6. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the representation, directs the respondents 1 and 2 to consider the representation dated 04.04.2015, submitted by the petitioner, on merits and in accordance with law, after putting on notice the respondents 4 and 5 and pass orders, as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioner as well as to the respondents 3 and 4.

7 . The writ petition is disposed of, accordingly. No costs.

ars

s/d-
Deputy Registrar(J)

True Copy

Sub-Assistant Registrar

To

1 The Chief Executive Officer
Tamilnadu Wakf Board No.1 Jaffer Serang
Road Vellal Seethakathi Nagar Chennai-1

2 The Wakf Superintendent
Majjid Complex NO.14-15 Avinashi Salai
Coimbatore 641018

+ 1 cc to Mr.S.Thirumavalavan, Advocate SR 23426

+ 1 cc to Mr.V.Raghavachari, Advocate SR 23641

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prk15/5

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