

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12816 of 2015

A.S.Mahaboob Basha Trustee
Hazrath Syed Sha Mameed
Awliya Badusha Darga

. . Petitioner

- Vs -

Tamil Nadu Wakf Board,
by its Chief Executive Officer,
1, Jaffer Sarang Street,
Seethakkathi Nagar,
Chennai - 600 001.

.. Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent-Wakf Board to consider the letter of request dated 12.11.2014, calling upon the respondent to forthwith furnish to the writ petitioner two certified copies of each of the following for which, the copy application has already been filed as stated in the accompanying affidavit (i) The Wakf Board's Resolution (passed) in item No.83/13 in Rc.No.10588/10/B4/KPM dated 12th September, 2013 which is cited in the Wakf Board's Notification No.VI-3(a)/148/2013 published in the Tamil Nadu Government Gazette, Part VI-3(a), dated 20th November, 2013; (ii) The order dated 26/11/2013 passed by the Chief Executive Officer of the Respondent Board in Na.Ka.No.82/Vaa.Aaa/13; and (iii) The Report dated 14/12/2012 regarding the petition-Darga which the Wakf Inspector, Kanchipuram, has submitted to the respondent-board, which has been relied on by the respondent-Wakf Board for passing the impugned order under Section 65 of the Wakf Act.

Petitioner : Mr.M.M.Abdul Razack
For Respondent : Mr.V.Lakshminarayanan

O R D E R

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

2. The petitioner claims that Hazrath Syed Sha Hameed Awliya Badusha Darga at Kanchipuram is a very old sacred institution where a great Muslim Saint, Hazrat Syed Sha Hameed Awliya Badusha was laid to rest and people belonging to all religion used to throng the Darga to

have the blessings of the said noble soul. The petitioner would submit that the said Darga has been administered for more than 75 years as per the Scheme Decree dated 02.02.1939, passed by the District Court, Chingleput. The petitioner was appointed as a Trustee for three years and he has assumed charge on 20.11.2010, for a period of three years. The petitioner after expiry of his term filed an application for extension of the period of Trusteeship till a regular Trustee is appointed. But the respondent has issued a Notification dated 20.11.2013. Challenging the legality of the same, the petitioner filed W.P.No.33705 of 2013 and it was dismissed on 11.09.2014 and challenging the same, writ appeal has been filed which is yet to be numbered. It is further submitted by the petitioner that while this Court pronounced the dismissal order on 11.09.2014 in the writ petition in W.P.No.33705 of 2013, the learned standing counsel for the Wakf Board served a copy of the Wakf Board's order in Na.Ka.No.10588/10/Aa4/Kanchi, dated 26.08.2014, wherein, the period of one year in the aforesaid Gazette notification has been extended for another year, this according to the petitioner, has been done without satisfying the provisions of law. The petitioner in this regard, submitted an application dated 15.01.2014, seeking copies of two documents dated 20.11.2013 and 12.09.2013, which was also followed by a reminder dated 17.01.2014, which was also acknowledged. Since the petitioner has not been favoured with any response, has come forward with this writ petition.

3. Heard the submissions of Mr.M.M.Abdul Razack, learned counsel appearing for the petitioner and Mr.V.Lakshminarayanan, learned standing counsel for Wakf Board accepts notice for the respondent.

4. This Court without going into the merits of the case projected by the petitioner, directs the respondent to consider the copy application submitted by the petitioner dated 15.01.2014 and the representation dated 17.01.2014, on merits and in accordance with law and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk

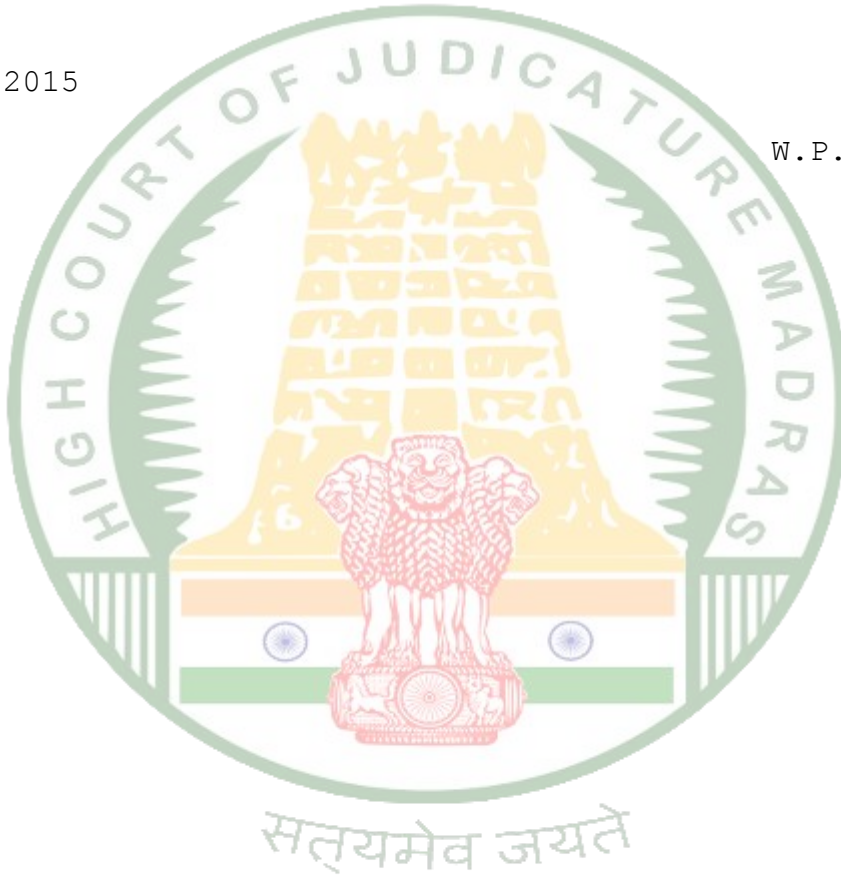
To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
1, Jaffer Sarang Street,
Seethakkathi Nagar, Chennai - 600 001.

+ 1 cc to Mr.M.M.Abdul Razack, Advocate SR.23372
+ 1 cc to Mr.V. Raghavachari, Advocate SR.24020

BKY(CO)
EU 15.05.2015

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