

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17111 of 2015

K.Rahmankhan

.. Petitioner

Versus

The Chief Executive Officer
Tamil Nadu Wakf Board
No.1 Jaffar Syrang
Street Vallal Seethakadi Nagar
Chennai-600 001

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the respondent to consider the petitioner representation dated 29.11.2012 and 6.2.2014 and pass orders for the continuance of the Muttawalliship for this petitioner to Mammuti Fahir Mosque situated in RS No.346 of Chidambaram Town.

For Petitioner : Mr.I.Bobby Portia

For Respondent : Mr.V.Lakshminarayanan

O R D E R

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

2. The petitioner claims that his grand father viz., Janab Mohideen Khan was the Mutawalli of Mammuti Pakir Mosque WAKF situated in R.S.No.346, Chidambaram Town, while conducting the Survey during 1955 and after his demise, he was succeeded by his son Janab Dawood Khan and he died issueless and therefore, his paternal uncle Janab Nabikhan became the Muttawalli and thereafter his wife was appointed to that post. However, she did not chose to act in the said post as she settled in another village and on account of it there was lack of dedication and negligence in carrying out the objects of the mutawalli.

3. The petitioner would further state that Janab Kharirunnisa has misused her position and therefore, the petitioner made a representation to the respondent for her removal and since, there was no response filed W.P.No.11423 of 2002, before this Court and this

Court vide order dated 11.04.2002 has directed the respondent to dispose of his representation. The Wakf board has passed an order on 27.08.2002 to remove the said person from mutawalliship under Section 64 of the Wakf Act and thereafter, appointed the petitioner as Muttawalli for three years, vide order dated 27.08.2002 and the grievance expressed by the petitioner is that since, he is the only male member eligible, to be appointed as muttawalli, he approached the respondent by submitting a representation dated 29.11.2012, followed by a reminder dated 06.02.2014, for continuance of the Muttawalliship and since no response is forthcoming, constrained to approach this Court.

4. Heard the submissions of Ms.I.Bobby Portia, learned counsel appearing for the petitioner and Mr.V.Lakshiminarayanan, learned standing counsel, who accepts notice for the respondent.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the respondent to consider the petitioner's representation dated 29.11.2012 and reminder dated 06.02.2014, in accordance with law, after putting on notice the persons concerned and pass orders as expeditiously as possible and not later than eight 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 persons concerned.

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

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s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

The Chief Executive Officer
Tamil Nadu Wakf Board
No.1 Jaffar Syrang
Street Vallal Seethakadi Nagar
Chennai-600 001

+ 1 cc to Mohammed Asif, Advocate SR 29963

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