

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17123 of 2015

A.H.Ibrahim

... Petitioner

Versus

1. The Secretary  
Government of Tamil Nadu  
Department of Backward Classes  
Most Backward Classes and Minorities Welfare  
Secretariat Fort St. George Chennai 9
2. The Chief Executive Officer  
Tamil Nadu Wakf Board No.1  
Jaffer Syrang Street  
Vallal Seethakathi Nagar Chennai 1
3. The Wakf Superintendent  
Tamil Nadu Wakf Board No.1 Town Hall Road  
Madurai
4. S.A.K.Ibrahim
5. S.I.Hussainudeen
6. S.A.Fakrudeen Ibrahim
7. S.I.Quadiri

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1<sup>st</sup> respondent to dispose off the statutory appeal dated 19.08.2014 in accordance with law.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.S.Pattabiraman (for R1)  
Government Advocate  
Mr.V.Lakshminarayanan (for R2 & R3)

O R D E R

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

2. The petitioner claims that he is one of the jamath members of "Kazimar Periya Pallivasal" at Madurai, which is a registered and notified Wakf under the supervisory control of the Tamil Nadu Wakf Board.

3. The petitioner would further state that the rule of succession to the above Wakf is not hereditary and a decision has been taken to frame a scheme by order dated 10.02.2005 and it was also confirmed by the Wakf tribunal and also this Court vide order in CRP (MD) No.491 of 2006 dated 22.02.2007.

4. The petitioner would further state that the Madurai Bench of this Court vide order dated 22.12.2011 in WP (MD) No.10056 of 2008 directed the Wakf Board to consider the draft schemes in accordance with law after giving due opportunities to the parties and in the meantime it was prayed to appoint an executive officer for administering the wakf, pending framing of the scheme. The Wakf Board after hearing all the parties by an order dated 23.10.2013 in RC.No.13572/02/B8/Madurai, assumed direct management and challenging the same respondents 4 to 7 herein filed W.P.(MD) No.1977 of 2014 and the said writ petition along with W.P.No.5424 of 2014 were dismissed by a common order dated 06.06.2014 and writ appeal in W.A.(MD).No.918/14 was filed and the Division Bench vide common judgment dated 07.08.2014, dismissed the appeal directing the private respondents to approach the 1<sup>st</sup> respondent by way of an appeal under Section 65(2) of the Wakf Act, 1995 and accordingly, the respondents 4 to 7 have filed a statutory appeal before the 1<sup>st</sup> respondent, and the same is pending.

5. Mr.N.A.Nissar Ahmad, learned counsel appearing for the petitioner would submit that it would suffice to direct the 1<sup>st</sup> respondent to dispose of the statutory appeal dated 19.08.2014, preferred by respondents 4 to 7, within a stipulated time.

6. This Court heard the submissions of Mr.V.Lakshminarayanan, learned standing counsel appearing for respondents 2 and 3.

7. 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 in this writ petition, directs the 1<sup>st</sup> respondent to consider the statutory appeal dated 19.08.2014, filed by respondents 4 to 7, in accordance with law, and pass orders as expeditiously as possible and not later than six 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 private respondents.

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

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary  
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Most Backward Classes and Minorities Welfare  
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2. The Chief Executive Officer  
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Jaffer Syrang Street  
Vallal Seethakathi Nagar Chennai 1
3. The Wakf Superintendent  
Tamil Nadu Wakf Board  
No.1 Town Hall Road  
Madurai

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.29898  
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.29629  
+1cc to the Government Pleader, S.R.No.29823

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SR(CO)  
CA(29/06/2015)

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