

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19962 of 2015

U.MD.Rahamathullah

... Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
rep.by its Chief Executive Officer,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai -1,

2. Naseem Farhath

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 1st respondent to consider and pass orders on the Wakf Application dated 21.8.2014 made by the petitioner seeking to conduct an enquiry and appoint the petitioner as mutawalli in accordance with law.

For Petitioner : Mr.N.A.Nisssar Ahmed
For Respondents : Mr.V.Lakshminarayanan
for R.1

ORDER

By consent of the learned counsel appearing for the petitioner and the learned counsel appearing for the 1st respondent, the writ petition is taken up for disposal at the admission stage itself.

2. In the affidavit filed in support of the writ petition, the petitioner would state that Taj Mahmood Endowment was founded in the year 1931 by late M.K.Taj Mahmood Sahib, dedicating the property bearing Old No.74, New No.66, Bangaru Naicken Street, Chennai-2 and No.23, Ellis Road, Chennai -2 for religious and pious obligations by means of a registered deed. The petitioner would further state that the founder was the first mutawalli and rule of succession is hereditary, the 2nd respondent claims to be mutawalli, wakf is not maintained properly and the wakf properties are not maintained properly and so also the rituals and other religious functions.

3. The petitioner, being the son-in-law of the son of the founder of the Wakf, filed an application under Sections 63 and 70 of Wakf Act, 1995 before the 1st respondent to conduct an enquiry and appoint him as mutawalli vide application dated 21.8.2014 and vide letter

dated 8.10.2014 the 1st respondent called upon the petitioner to remit necessary batta fee and it was also paid.

4. The grievance expressed by the petitioner is that sofar, no orders have been passed by the 1st respondent on the application of the petitioner dated 21.8.2014

5. Heard the submission of the learned counsel appearing for the petitioner and Mr.V.Lakshminarayanan, learned counsel, who accepts notice on behalf of the 1st respondent.

6. This Court, in the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and pass orders on the Wakf application of the petitioner dated 21.8.2014 on merits and in accordance with law within a period of four months from the date of receipt of copy of this order, after putting on notice the petitioner, the 2nd respondent and also the persons concerned, and communicate the decision taken, to the petitioner as well as the 2nd respondent.

7. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

True copy

Sub Assistant Registrar

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To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai -1.

one cc to Mr. M.A Nissar Ahmed, Advocate SR 34027

SCD (co)
YJ 21.07.15

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