

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.02.2015

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

W.P.No.3614 of 2014

Nawab Chanda Miyan Masjid
Rep. By its Mutawalli,
No.77, Mathalankula Street,
Tiruvannamalai - 606 601.

...Petitioner

Vs.

1. Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
Seethakathi Nagar, Chennai - 600 001.
2. The Tahsildar,
Tiruvannamalai - 606 601.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 11.12.2013.

For Petitioner : Mr.C.K.Chandrasekhar

For 1st Respondent : Mr.V.Lakshminarayanan

For 2nd Respondent : Mr.S.V.Durai Solaimalai
Additional Government Pleader

ORDER

Heard both sides.

2.It comes to be known that Mutawalli of the Petitioner had addressed a representation dated 11.12.2013 to the 1st Respondent/ Wakf Board seeking directions for the action being taken by the Masjid. However, no orders have been passed till date, based on the representation of the Petitioner. As such, the Petitioner is perforced to file the present Writ Petition before this Court.

3. According to the Petitioner, the 1st Respondent/Tamil Nadu Wakf Board had issued an order dated 18.02.2013 appointing committee of 13 persons for the Masjid in issue and the tenure of office was from 18.11.2011 to 17.11.2014. As a matter of fact, numerous properties belonging to the Petitioner/Masjid were being managed by the Mutawalli and the members of the Masjid.

4. It is the case of the Petitioner that there are some shops under the control of Petitioner/Masjid and they had become old and dilapidated. Therefore, the Masjid had decided to remove the thatched tenements and construct shops with concrete roof. Indeed, the 1st Respondent/Wakf Board, through its order dated 18.02.2013, permitted the Petitioner to construct the building as per the approved plan. However, the tenants of some of shops had not vacated the premises despite the request made by the Petitioner/Masjid. Consequently, the Petitioner/Masjid had issued a notice dated 26.08.2013 to the shops asking them to hand over the possession of the shops. As there was no cooperation, the Petitioner/Masjid issued an order terminating the tenancy and directed them to hand over vacant possession of the shop by 12.10.2013. Even thereafter they had not handed over the possession, because of which, the construction work could not be completed. Furthermore, some of the tenants had peacefully vacated the shops and a portion of the old building was demolished on 21.11.2013 and construction activity has commenced as per the plan.

5. The Petitioner had made averments in para 4 of the petition to the effect that two tenants had approached the 2nd Respondent/Tahsildar against their eviction and the 2nd Respondent/Tahsildar, without verifying any of the details from the Petitioner/Masjid and the orders of the 1st Respondent/Wakf Board, had issued proceedings dated 21.11.2013 observing that the Status quo should be maintained. It was also alleged that the action of the Petitioner would affect law and order. Therefore, the plea of the Petitioner is that the proceedings dated 21.11.2013 of the 1st Respondent/Wakf Board is wholly illegal and without jurisdiction.

6. With a view to clear any doubt, the Petitioner submitted representations dated 01.12.2013 and 11.12.2013 to the 1st Respondent/Wakf Board seeking directions in regard to the action being taken by the Petitioner/Masjid. Since no orders have been passed till this date, the Petitioner has filed the present Writ Petition praying for issuance of a direction by this Court in directing the 1st Respondent to consider its representation dated 11.12.2013.

7. In view of the fact that the Petitioner's representation dated 11.12.2013 is pending and the same being not yet disposed off, at this stage, this Court, simpliciter, without traversing upon the merits of the matter, in the interest of justice, Fair Play, Equity and even as a matter of prudence, directs the 1st Respondent/Wakf Board to look into the representation of the Petitioner dated 11.12.2013 in a Fair, Just and Objective fashion and to dispose of the same, by passing a reasoned speaking order, ascribing necessary qualitative and quantitative reasons [of course after providing due opportunity to the concerned by adhering to the principles of Natural Justice], within a period of 12 weeks from the date of receipt of copy of this order.

8. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AD-I)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. Tamil Nadu Wakf Board,
The Chief Executive Officer,
Seethakathi Nagar, Chennai - 600 001.

2. The Tahsildar,
Tiruvannamalai - 606 601.

1 CC to the Government Pleader, SR.No. 9634

VSN (CO)
PSI (05.03.2015)

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