

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 20-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21569 OF 2015

K.Nasar Kirmani

...Petitioner

-VS-

1. Tamil Nadu Wakf Board,
rep.by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Chennai-600 001.

2. The Superintendent of Wakfs,
Macca Masjid Complex,
Mount Road,
Chennai-600 002.

...Respondents

Writ Petition has been filed, praying for issuance of a writ of mandamus, directing the first respondent to consider and pass orders on the representation of the petitioner dated 22.04.2015.

For petitioner : Mr.R.Thiagarajan

For respondents : 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 great grandfather Late Haji Mirza Ali Naqui Kirmani created the private wakf in the name and style of "Hazi Mirza Ali Naqui Kirmani Express Wakf" under the registered wakf deed, dated 17.09.1919, bearing document No.3326/1919. According to him, the wakf was created for the purpose of celebrating Azadari Imam Hussain Alaihisalam ceremony annually in the month of Muharam and for that purpose Wakif Haji Mirza Ali Naqui Kirmani endowed the properties bearing door No.45/21, Sembudoss Street, Chennai-1.

3. The petitioner would further state that after the demise of the first Muthawalli, his wife and two sons functioned as Muthawallis and, after their lifetime, the Tamil Nadu Wakf Board, which has got overall superintendence of all the wakfs in Tamil Nadu, issued orders, appointing the subsequent Muthawallis for the family wakf. It is his further case that as per the proceedings of the Tamil Nadu Wakf Board, dated 18.10.1986, his father was appointed as Co-Muthawalli along with Mirza Ali Naqui Kirmani as Managing Muthawalli and Mumtaz Begum as Co-Muthawalli.

4. The petitioner would further state that till death, his father functioned as the Muthawalli without any blemish and he died on 26.01.2015 and since his death has caused a vacuum in the office of Muthawalli and for the reason that the Managing Muthawalli voluntarily resigned and another Co-Muthawalli died on 18.02.2015, the petitioner submitted a representation, dated 22.04.2015, to the first respondent, requesting to appoint him as Muthawalli for the said Wakf, and though the said representation was acknowledged, no orders have been passed and hence he has come forward to file this Writ Petition.

5. Heard the submissions of Mr.R.Thiagarajan, learned counsel for the petitioner; and Mr.V.Lakshminarayanan, learned Standing Counsel, appearing for the respondents.

6. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation, dated 22.04.2015, in accordance with law, after putting on notice the persons concerned, and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and well as the persons concerned.

7. Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

dixit

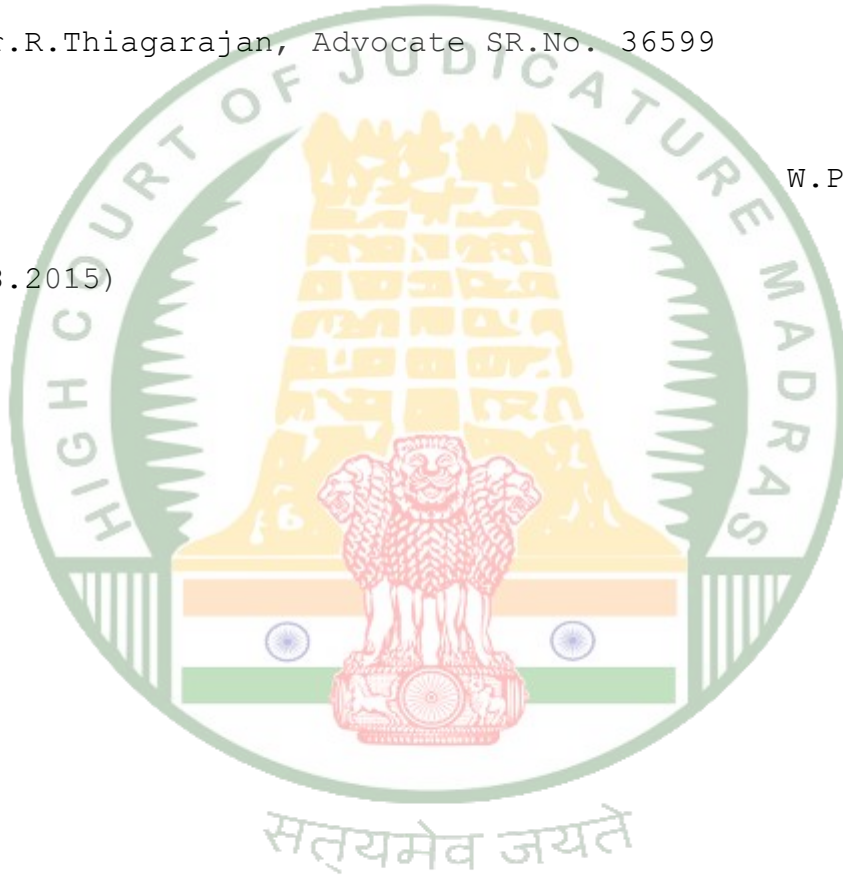
To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Chennai-600 001.
2. The Superintendent of Wakfs,
Macca Masjid Complex,
Mount Road,
Chennai-600 002.

1 CC to Mr.R.Thiagarajan, Advocate SR.No. 36599

W.P.No.21569/2015

AK (CO)
PSI (03.08.2015)



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