

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.2300 of 2015 &
M.P.Nos. 1 & 2 of 2015

Mohideen Mosque Inam Wakf (G S 248/MDU)
Rep. By its Hereditary Mutwalli/President,
B.Satta,
S/o.Birkhan Sahib
Door No.2, 187, Pallivasal Street,
thummalapatti, Kanavaipatti (Via)
Nilakottai Tk
Dindugal District.

... Petitioner

v.

- 1 The State of Tamil Nadu,
Rep. By its Secretary to Government,
Backward Class, Most Backward Class and
Minorities Welfare Department,
Fort St. George, Chennai - 600 009.
- 2 .The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Seethakathi Nagar,
Mannady, Chennai - 600 001.
3. The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffar Sarang Street,
Seethakathi Nagar,
Mannady, Chennai - 600 001.
- 4.The Wakf Superintendent,
Madurai Zone,
No.1, Town Hall Road,
Pallivasal Complex,
2nd Floor, Madurai - 625 001.

- 5.Sirajuddin
(Suo moto impleaded as R5
as per order dated 2.2.2015
in W.P.No.2300/2015)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 1st respondent to take up the injunction application filed along with the appeal dated 10.11.2014 filed by the petitioner in respect of Mohideen Mosque Inam

Wakf (GS 248/MDU) situated at G. Thummalapatti Hamlet, Kanavoipatti Village, Nilakottai Taluk, Dindugal District.

For Petitioner : Mr.G.Ethirajulu
For Respondents : Ms.P.Rajalakshmi,
Govt. Advocate- for R1
Mr.V.Lakshmi Narayanan,
Addl. Govt Pleader - for R2 to R4
Ms.A.Ajikmath Begam - for R5

ORDER

The petitioner has filed the above writ petition to direct the first respondent to take up the injunction application filed along with the appeal dated 10.11.2014 filed by them in respect of Mohideen Mosque Inam Wakf (GS 248/MDU) situated at G. Thummalapatti Hamlet, Kanavoipatti Village, Nilakottai Taluk, Dindugal District.

2. Ms.P.Rajalakshmi, learned Government Advocate takes notice for the first respondent, Mr.V.Lakshmi Narayanan, learned Additional Government Pleader takes notice for the respondents 2 to 4 and the respective learned counsel submitted that a direction may be given to the first respondent to dispose of the matter within the stipulated time.

3. Ms.A.Ajikmath Begam, learned Counsel submitted that the fourth respondent in W.P.No.4003 and 6707 of 2014, viz., Sirajuddin, who has given a complaint before the first respondent, was not made as a party in the present writ petition and further submitted that the said Sirajuddin is the necessary party for the proper adjudication of the matter.

4. Having regard to the submission made by the learned counsel, this court suo moto implead Mr.Sirajuddin as 5th respondent in the writ petition.

5. However, the learned Counsel submitted that she has no objection for giving a direction to dispose of the appeal as well as injunction application within the stipulated time after giving notice to all the parties including the 5th respondent.

6. Having regard to the submissions made by the learned counsel on either side, I direct the first respondent to take up the injunction application filed by the petitioner along with the appeal and decide the same, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order, after giving notice to all the parties in the writ petition. Further, the first respondent is also directed to dispose of the appeal dated 10.11.2014 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj
To

- 1 The Secretary to Government,
Backward Class, Most Backward Class and
Minorities Welfare Department,
Fort St. George, Chennai - 600 009.
- 2 .The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Seethakathi Nagar,
Mannady, Chennai - 600 001.
3. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Seethakathi Nagar,
Mannady, Chennai - 600 001.
- 4.The Wakf Superintendent,
Madurai Zone,
No.1, Town Hall Road,
Pallivasal Complex,
2nd Floor, Madurai - 625 001.

+ 1 cc to M/s. A. Ajikmath Begam, Advocate SR.5183
+ 1 cc to Government Pleader Sr.5405
+ 1 cc to Mr.G. Ethirajulu, Advocate Sr.5195

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KM(CO)
Eu 06.02.15