

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8187 of 2015

S.Sheik Basha

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Petitioner

Versus

1. The Chief Executive Officer,
Tamil Nadu Wakf board,
No.1, Jaffer Serang Street,
Vallal Seethakathi Nagar,
Chennai - 1
2. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Perambalur (in-charge)
No.12, Kiledhar Street,
Trichy,
Trichy District.
3. The Inspector of Wakf,
Tamil Nadu Wakf Board,
Kiledhar Street,
Perambalur (in-charge)
Trichy,
Trichy District.

4. Shettan Alias Sait Basha

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent herein to take appropriate steps to recover our Pallivasal Bill Book, Minute Book and Nikka Book from the 4th respondent herein and hand over the same to interim ad hoc committee of Jahir Asar Magpira Pallivasal situated at Perambalur District, Veppanthattai Taluk, Valikandapuram, in the light of the petitioner's representation dated 06.09.2013 within a stipulated period as may be fixed by this court.

For Petitioner : Mr. R.Sundar

ORDER

Heard Mr. R.Sundar, learned counsel appearing for the petitioner and perused the materials available on record. Since the writ petition is disposed of at the admission stage itself, notice to the 4th respondent is dispensed with and the merits of the allegation made by the petitioner as against the 4th respondent is not gone into and the same is left open to the official respondents to take note of the same.

2.The petitioner has filed this writ petition seeking for a direction to the 2nd respondent herein to take appropriate steps to recover our Pallivasal Bill Book, Minute Book and Nikka Book from the 4th respondent herein and hand over the same to interim ad hoc committee of Jahir Asar Magpira Pallivasal situated at Perambalur District, Veppanthattai Taluk, Valikandapuram, in the light of the petitioner's representation dated 06.09.2013.

3.According to the petitioner, the 4th respondent has absolutely no locus standi to interfere in the administration of the Wakf Board and the Wakf is being administered by the Adhoc Committee appointed on 08.03.2013 and it is stated that the Adhoc Committee is functioning pursuant to the permission granted by the Wakf Board.

4.Admittedly, the relief sought for is as against the private party and the petitioner seeks to enforce his civil right or rights conferred on him by virtue, he being a Member of the Adhoc Committee. In such circumstances, no writ of mandamus can be issued to the 4th respondent to hand over the Books of Accounts or the Minute Book etc. If according to the petitioner, they alone are entitled to for the Management as per the order passed by the 1st respondent appointing an Interim Committee, then it is open to the petitioner to enforce the right in the manner known to law and for this purpose, a writ of mandamus as sought for, cannot be granted. However, this will not prevent the petitioner from pursuing his representation before the 1st respondent and if the same is done, the 1st respondent shall consider the same after issuing notice to all the persons including the 4th respondent herein and thereafter, pass orders on merits and in accordance with law.

5.With the above observations, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Chief Executive Officer,
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Kiledhar Street,
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Trichy, Trichy District.

1 cc to Mr. R.Sundar, Advocate, SR.No.16300

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