

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.17104 of 2010

V.S.B.Sikkander

.. Petitioner

v.

1.The Tamil Nadu Wakf Board,
rep. by its Chairman,
No.1, Jaffer Sarang Street,
Chennai-1

2.The Principal Secretary,
Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Chennai-1

3.Mohamed Hussain

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the first respondent relating to the proceeding dated 30.9.2010 and made in chey.mmu. Order No.4467/93/A10/Nagai dated 30.10.2009 and quash the same is illegal and without jurisdiction and further direct the first respondent to appoint the petitioner herein as Muthavalli of Nagore Vavanna Sikkanthar Trust.

For petitioner : Mr.G.Nagarajan

For respondents : Mr.S.Haja Mohideen Gisthi for R1
No appearance for R2
Mr.L.G.Sahadevan for R3

ORDER

As far as first limb of prayer is concerned, it is pointed out by the learned counsel for the respondents that the term of office of the third respondent, as per the impugned order is already over on 22.09.2012 and therefore the question of quashing the said order, does not arise.

2.The second limb of prayer is to direct the respondents 1 and 2 to appoint the petitioner as Muthavalli. Admittedly, the petitioner died on 17.11.2010, soon after the filing of the writ petition. M.P. No.1 of 2011 has been filed by the legal heirs of the petitioner for substituting as petitioners in the writ petition and the same was adjourned on 08.04.2011 for producing proof of relationship with the deceased. No additional affidavit or document has been filed in this regard.

3.In the light of the above, this writ petition is closed, leaving it open for the legal heirs of the petitioner to work out their remedy before the appropriate forum in the manner known to law. Consequently, connected M.P. is closed. No costs.

Sd/-

Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

vga

To

1.The Chairman
Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Chennai-1

2.The Principal Secretary,
Tamil Nadu Wakf Board,
No.1,Jaffer Sarang Street,
Chennai-1

1 cc to mr.G.Nagarajan, Advocate, Sr. 9656

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