



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.13768 of 2015

and

M.P. (MD) No.1 of 2015

Haji M.Saleem Baig

:Petitioner

vs.

1.The Chairman,

Tamil Nadu Wakf Board,
No.1, Jaffer Sarangi Street,
Vallal Seethakathi Nagar,
Chennai - 1.

2.The Chief Executive Officer and Secretary,

Tamil Nadu Wakf Board,
No.1, Jaffer Sarangi Street,
Vallali Seethakathi Nagar,
Chennai - 1.

3.The Administrative Officer and Superintendent,

Tamil Nadu Wakf Board,
Begampur Durgah Pallivasal,
Dindigul.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus, calling for the records of the respondents resulting in the impugned order of the 1st respondent, dated 28.05.2015 passed in Na.Ka.No.5142/02/Aa8/Thigal and quash the same in so far as not considering the claim of the petitioner regarding remuneration aspect as per the representation of the petitioner, dated 10.07.2012 and direction directing the respondents to pay the benefits to the petitioner namely Beneficiaries / Hugdars for rendering their service as defined under Sections 3(A) and 3(7) and 3(29) of the Wakf Act, for the periods from 1954 to as on date.

For Petitioner

:Mr.V.R.Venkatesan

For Respondents 1

: Mr.K.K.Senthil

For Respondents 2 & 3

:Mr.K.Ramesh Raj Govt.Advocate



The Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the 1st respondent, dated 28.05.2015 passed in Na.Ka.No.5142/02/Aa8/Thigal insofar as not considering the claim of the petitioner regarding remuneration aspect, as per the representation of the petitioner, dated 10.07.2012 and for a direction to the respondents to pay the benefits to the petitioner viz., Beneficiaries / Hugdars, for rendering their service, as defined under Sections 3(A) and 3(7) and 3(29) of the Wakf Act, for the periods from 1954 to as on date.

2. When the matter is taken up for consideration, the learned counsel appearing for both sides submitted that earlier, the petitioner has made two representations to the respondents dated 10.07.2012 and 11.03.2013 respectively, requesting the Chariman, Tamil Nadu Wakf Board, Chennai, the first respondent herein, to appoint five members committee to manage the Begampur Durgah and Mosque Pallivasal, as per the order of the 1st respondent, dated 17.03.2003, passed in Rc.5142/2002/C4/DGL and in consonance with the Scheme framed by the Ramnad Sub-Court in O.S.No.49 of 1914, dated 29.01.1917 and to pay the benefits to the beneficiaries / Hugdars for rendering their service, as defined under Sections 3(A) and 3 (7) and 3(29) of the Wakf Act, for the periods from 1954 to as on date. Since the said representations were not considered, the petitioner had filed a Writ Petition before this Court in W.P.(MD)No.14946 of 2012. The said writ petition was disposed of on 23.11.2012, by directing the 2nd respondent herein, to consider the representation of the petitioner. Now, the present writ petition has been filed stating that only one of his request was considered and insofar as the other request, viz., to pay the benefits to the petitioner namely Beneficiaries / Hugdars for rendering their service as defined under Sections 3(A) and 3(7) and 3(29) of the Wakf Act, for the periods from 1954 to as on date, is concerned, it was not considered. Hence, the petitioner has come forward with the present writ petition.

3. I have heard the submissions made on either side and perused the materials available on record.

4. In view of the submission made by the learned counsel for the Wakf Board, the petitioner is directed to give a fresh representation along a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the first respondent is directed to consider the same and pass appropriate orders on the same, on merits and in accordance with law, within a period of eight weeks, thereafter.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



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Tamil Nadu Wakf Board,
Begampur Durgah Pallivasal,
Dindigul.

+1CC to Mr.K.K.Senthil Advocate Sr.No.48219
+1Cc to Mr.V.R.Venkatesan Advocate Sr.No.47556

GJM/SKS/RR/SARJ8.9.15-3P-6C

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