

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 16625 of 2016

Syed Ahamed Hussain

... Petitioner

Versus

The Tamil Nadu Wakf Board
represented by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai - 600 001

... Respondent

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondent to dispose of the petition filed by the petitioner dated 29.03.2016 under Section 32 of the Wakf Act, 1995 in a time bound manner.

For Petitioner : Mr. A. Mohamed Ismail

For Respondent : Mr. V. Lakshminarayanan

ORDER

. The petitioner seek for issuance of a Mandamus directing the respondent to pass orders on the petition dated 29.03.2016 filed by him under Section 32 of the Wakf Act, 1995 within a time to be specified by this Court.

2. The petitioner would contend that his great grand father Mr. Syed Akbar Shahib was managing and administering the Hazarath Thable Alam Badhusa Nathhar Vali Dargah situated in Tiruchirapalli Town and after his demise his son Syed Mohammed Hussain was administering the Dargah and thereafter the father of the petitioner namely Syed Ghulam Rasool has taken over the administration of the said Dargah. According to the petitioner, a suit was filed in O.S. No. 91 of 1925 on the file of learned Principal Subordinate Judge, Tiruchirapalli to remove the

petitioner's great grand father from the management of the Dargah and to frame a scheme. After trial, a scheme decree was passed on 29.01.1930 as per which the Dargah shall be managed by Board of Trustees consisting of five trustees namely one hereditary trustee, one Pangali Trustee and 3 Public Trustees nominated by the Muslim residents of the City. As against the scheme decree, A.S. No. 352 of 1931 and A.S. No. 396 of 1931 have been filed before this Court and by a common judgment dated 21.11.1938, the appeals were allowed by modifying the terms of the scheme decree. While so, after enactment of The Wakf Act, 1954, the scheme decree in so far it relates to nomination of Public Trustee of the Dargah was transferred to the respondent Board. The grievance of the petitioner is that he is the descendant of Syed Akbar Shahib and he is fit to be recognised as Hereditary Trustee of the Dargah in accordance with the judgment dated 21.11.1938 passed by this Court in A.S. No. 352 and 396 of 1931. It is further stated that the sisters and brothers of the petitioner have also given No objection for appointing the petitioner as Hereditary Trustee of the Dargah. By enclosing the same, the petitioner has filed a Petition dated 29.03.2016 to the respondent under Section 32 of the Wakf Act, 1995 to recognise and appoint him as the Hereditary Trustee of the Dargah, but so far, no order has been passed by the respondent, hence, he has come up with this writ petition.

3. I heard the learned counsel for both sides and perused the materials placed on record. Having regard to the above facts and circumstances of the case and the fact that the petition dated 29.03.2016 preferred by the petitioner is pending before the respondent, the third respondent is directed to consider the petition preferred by the petitioner on 29.03.2016 and to dispose of the same on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

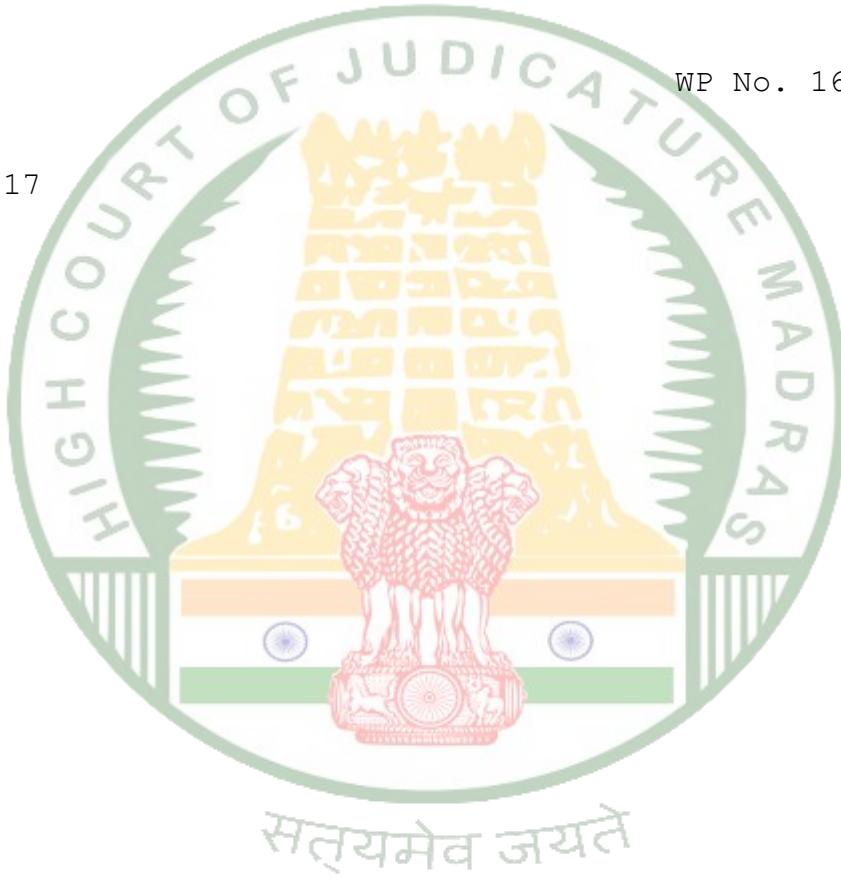
To

The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+lcc to Mr.V.Lakshmi Narayanan, Advocate Sr.72735

WP No. 16625 of 2016

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srg 6/2/2017



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