

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2016

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.25316 of 2014 and
M.P.Nos.1 & 2 of 2014

Mohamed Mustafa Sheriff

... Petitioner

Vs

1.Tamil Nadu Wakf Board,
Rep. by its President,
No.1, Jaffer Shirang Street,
Vallaleseethakathi Nagar,
Chennai - 600 001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Shirang Street,
Vallalaseethakathi Nagar,
Chennai - 600 001.

3.Barafath Charity Sheik Dawood Milad Wakf,
Represented by its Secretary (Interim Committee)
No.14, Bangarunaicken Street,
Chennai - 600 002.

... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent proceedings having Se.Mu.order No.5098/95/Aa 9 Chennai dated 21.02.2014 passed in pursuance of the resolution of the 1st respondent having reference Na.Ka.No.5098/95/Aa 9 Chennai dated 18.02.2014 quash the same and consequently directing the 1st respondent to hand over the management of the 3rd respondent Wakf to the petitioner.

For Petitioner : M/s.C.Uma

For Respondents 1 & 2 : Mr.V.Lakshmi Narayanan

For 3rd Respondent : Mr.N.A.Nissar Ahmed

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2.The petitioner has sought for issuance of a writ of certiorarified mandamus to quash the proceedings of the 1st respondent dated 18.02.2014 and direct the 1st respondent to handover the management of the 3rd respondent wakf to him.

3.The learned counsel for the petitioner submitted that the petitioner is no more. It is further submitted that the petitioner has obtained the right in pursuant to the Judgment and Decree in the Second Appeal.

4.The learned counsel for the respondents 1 and 2 submitted that if any one claims to the post of Muthavalli, they have to challenge the order impugned before the Wakf Tribunal under Section 83 of the Wakf Act.

5.Even assuming that the deceased petitioner's son files an application, at best, he can get into the shoes. In such an eventuality, he has to work out his remedy only before the Wakf Tribunal. Therefore, the Writ Petition stands disposed of, giving liberty to the legal heirs of the deceased writ petitioner to challenge the orders impugned before the Wakf Tribunal, if they so advised. Further, they have been given four weeks time to approach the Tribunal from the date of receipt of a copy of this order and the question of delay cannot be put against them. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sgl
To

1.The President,
Tamil Nadu Wakf Board,
No.1, Jaffer Shirang Street,
Vallaleseethakathi Nagar,
Chennai - 600 001.

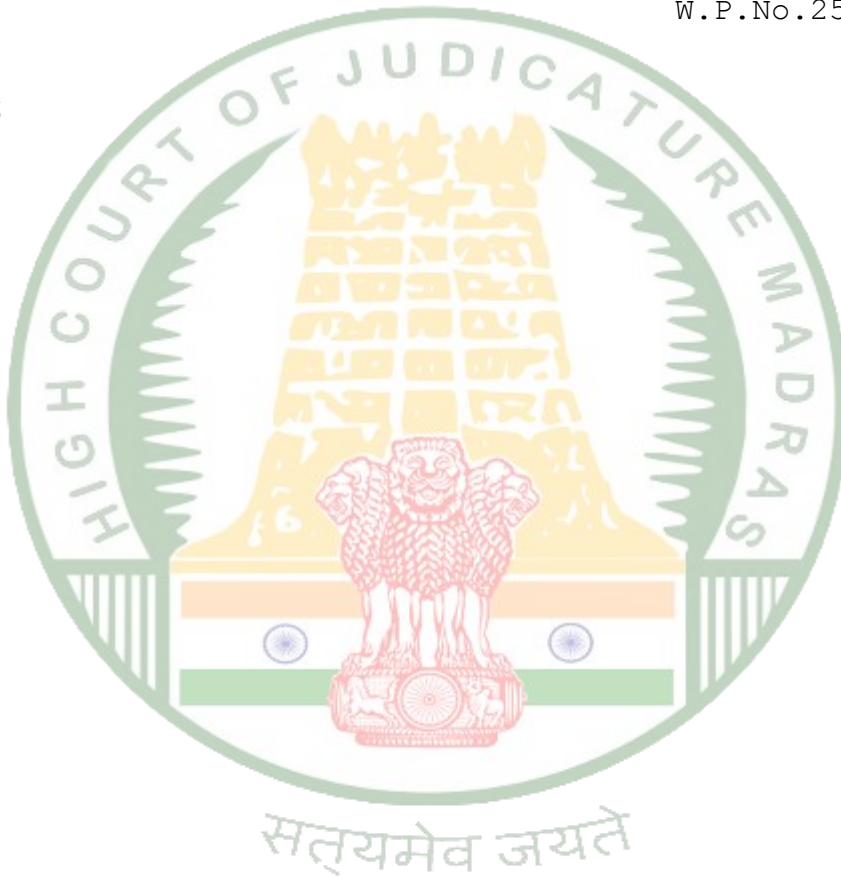
2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Shirang Street,
Vallalaseethakathi Nagar,
Chennai - 600 001.

3.The Secretary (Interim Committee)
Barafath Charity Sheik Dawood Milad Wakf,
No.14, Bangarunaicken Street,
Chennai - 600 002.

+ 1 cc to M/s. C. Uma, Advocate Sr.8637
+ 1 cc to M/s. N.A. Nissar Ahmed, Advocate Sr.687

W.P.No.25316 of 2014

VD(CO)
Eu 20.1.16



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