

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.39947 of 2015 and
M.P.No.1 of 2015

S.Mohammed Jaffer Khan Pani .. Petitioner

Vs.

- 1 The Tamil Nadu Wakf Board
Rep. by The Chief Executive Officer No.1
Jaffer Syrang Street, Vallal Seethakathi
Nagar, Chennai-1.
- 2 P.M.Nazer Shah
- 3 U.Mohammed Khader Batcha
- 4 S.G.Mohammed Jaffer
- 5 M.K.Shajhan
- 6 S.Abubacker
Former Members of Managing Committee Khan
Miyan Pallivasal Vazhuku Odai Tirunelveli
Town.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to consider the preliminary objection raised by the petitioner regarding maintainability of the Wakf Application filed by respondents 2 to 6.

For Petitioner .. Mr.N.A.Nissar Ahmed

For R1 .. Mr.V.Lakshmi Narayanan

ORDER

An application was made by respondents 2 to 6 on 04.06.2014 under Section 69 of the Waqf Act, 1995 making the petitioner as a party respondent. In the said application, a preliminary

objection was raised by the petitioner on 18.8.2015 on the maintainability of the application. Now, seeking to adjudicate upon the said preliminary objection raised, the petitioner has come forward with this present writ petition.

2. This Court is of the considered view that it would be unnecessary to treat the wakf application filed by respondents 2 to 6 like a civil suit. Taking note of the fact that it is pending from 04.06.2014 onwards, it would be appropriate to dispose it of finally instead of directing it to be done in a piecemeal manner. Thus, a direction is issued to first respondent to pass appropriate final order on the application of respondents 2 to 6 dated 04.06.2014 within a period of three months from the date of receipt of a copy of this order. In the meantime, it is open to the petitioner to file his objections on merits.

3. Writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(co)

True Copy

Sub-Assistant Registrar

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To

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

+1 cc to M/s.N.A.Nissar Ahmed Advocate vide sr.182

W.P.No.39947 of 2015

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