

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

O.S.A.No.111 of 2016

H.Mohamed Ghouse

.. Appellant

versus

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

2.The Executive Officer/Inspector of Wakf,
Chennai (North)
Gunangudi Masthan Dargah,
Pichandi Lane, Royapuram,
Chennai 13.

3.Sabira Bi,
Hereditary Trustee,
Gunangudi Masthan Saheb Darga Charities,
Pichandi Lane, Royapuram,
Chennai 600 013.residing at No.100,
Bojarajan Nagar, 6th Street,
Old Washermenpet, Chennai 600 021. .. Respondents

Appeal filed under Order 36 Rule 9 of Original Side Rules read with Clause 15 of the Letters Patent Act, against the fair and decretal order dated 27.07.2015 passed in A.No.2259 of 2015 in C.S.No.317 of 1948, on the file of this Court.

Appeal No.2259 of 2015:

Application praying that this Hon'ble Court be pleased to grant order appointing the applicant as a committee Member of the Gunangudi Masthan Darga Charities as per Schedule 5 of C.S.NO.317 of 1948 of this Hon'ble High Court as he is the descendant of the founder.

For Appellant .. Mr.R.Narendran
For Respondents 1&2.. Mr.V.Lakshminarayanan

J U D G M E N T

(Judgement of the Court was delivered by The Hon'ble Chief Justice)

We have heard the learned counsel for the parties at length.

2. We put to the learned counsel for the appellant that we could not really find any infirmity with the impugned order, which in substance states that the effect of the subsequent enactment of the Wakf Act, 1994, more specifically Section 32, would be that the said Act would apply both to the public and private Wakfs, but that the Board would abide by the schemes framed prior to the said Act coming into force. In fact, the claim of the petitioner is not even really disputed by the Board as not being available under the scheme. Thus, what the appellant was required to do was to apply to the Board and it is said as much in the impugned order.

3. Learned counsel for the appellant states that the appellant had already applied to the Board, but without prejudice to the rights in the appeal, a fact not disputed by the learned counsel appearing for the Board, who however states that this application was kept pending in view of the appeal.

4. We thus call upon the Board to abide by the time frame provided by the learned Single Judge in the impugned order dated 27.07.2015 for disposal of the application filed by the appellant in accordance with the scheme decree.

5. There is, thus, no infirmity found in the impugned order.

6. We have noted the submission of the learned counsel for the Board that at present, the powers of the Board are exercised by the Chief Executive Officer as the newly elected Board is yet to take over. We would expect the Board to be constituted at the earliest.

The Original Side Appeal is dismissed, but the time period for compliance would start from today. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

ksr

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to Mr.R. Narandran Advocate, S.R.No.38861
+1cc to Mr.V. Raghavachari, Advocate, S.R.No.38837

GR(CO)
EU(27/07/2016)

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