

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.39354/2016

K.Syed Ebrahim

..

Petitioner

Vs

1.The Chairman

Tamil Nadu Wakf Board
No.1, Jaffar Sirang Street
Vallal Sethakathi Nagar
Chennai 600 001.

2.The District Collector
Krishnagiri District.

3.The District Revenue Officer,
Krishnagiri.

4.The Revenue Divisional Officer
Krishnagiri.

5.The Superintendent of Wakf Board
Salem.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to dispose of the application dated 28.09.2016 made under section 68 of the Wakf Act in accordance with law within the time frame to be fixed by this Court.

For Petitioner	:	Mr.G.Suryanarayanan
For RR 1 & 5	:	Mr.Mohamed Fayaz Ali
For RR2 to 4	:	Mr.S.Digvijaypandian, AGP

ORDER

Heard Mr.G.Suryanarayanan, learned counsel for the petitioner ; Mr.Digvijaypandian, learned Additional Government Pleader who accepts notice on behalf of the respondents 2 to 4 and Mr.Mohamed Fayaz Ali, learned counsel accepting notice on behalf of the respondents 1 and 5 and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that the election for Masjid-E-Aksha Mosque was held and the newly elected members were recognised by the 1st respondent on 14.03.2016. Since the erstwhile committee members did not hand over the charges to the newly elected members, they made an application to the 2nd respondent on 28.09.2016 under section 68 of the Wakf Act to initiate action against the erstwhile committee members and to hand over the charges to the newly elected committee. Even prior to the application dated 28.09.2016, an application dated 11.03.2016 has been made immediately after the election and the 2nd respondent has directed the 3rd respondent to take action on the said application and send a report to the petitioner. Despite that, no action is forth coming. It is the grievance of the petitioner that though he along

with other newly elected members were recognised by the 1st respondent as early as on 11.03.2016, yet they are to be handed over with the charge from the erstwhile committee. Since no response is forth coming from the respondents, the petitioner is constrained to approach this Court by way of filing the present writ petition.

3 This Court, considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 2nd respondent / District Collector, to dispose of the petitioner's application dated 28.09.2016 on merits and in accordance with law, after issuing notice to the person/s concerned and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner .

4 The writ petition stands disposed of with the above direction. No costs.

10.11.2016

AP

B.RAJENDRAN, J.,
AP

To

- 1.The Chairman
Tamil Nadu Wakf Board
No.1, Jaffar Sirang Street
Vallal Sethakathi Nagar
Chennai 600 001.
- 2.The District Collector
Krishnagiri District.
- 3.The District Revenue Officer,
Krishnagiri.
- 4.The Revenue Divisional Officer
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- 5.The Superintendent of Wakf Board
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