

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WP.No.41141/2016

Salem Jamal Mohideen Mosque @
Mohammed Pura Masjid @ Mohammed
Pura Parimala Sunnath Hamath Masjid
Committee rep.by Muttavali Janab
Haji A.G.Habibur Rahman
... Petitioner

Versus

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

2.The Superintendent of Wakfs
Tamil Nadu Wakf Board
No.4A & 5A, 1st floor, Tippu Sultan
Market, 1st Agraharam,
Salem-636 001.

3.Janab ETM.Mohammad Sherfudeen
4.Janab D.P.Abdul Rahman
5.Janab Haji S.Mohammad Farook
6.Janab M.Kaja Najumudeen
7.Janab Haji S.Baasha

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to dispose of the petition dated 11.09.2015 filed u/s.70 of the Wakf Act within a stipulated period.

Jayaraj Houston

Mr.V.Lakshmi Narayanan

For Petitioner : Mr.Sam

For RR 1 & 2 :

ORDER

Heard the learned counsel for the petitioner and Mr.V.Lakshmi Narayanan, learned Standing Counsel who accepts

notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that according to the Performa Report of the Jamath and by the order of the Tamil Nadu Wakf Board dated 03.02.2011, the selection of Jamath committee was by way of traditional and customary method of meeting and selecting the committee members. Accordingly, on 08.05.2015 Mr.E.T.M.Mohammad Sharfudeen was selected as Muthavalli along with seven committee members. The said committee will serve for a period of three years from the date of its formation. While so, when the newly selected committee had sent a letter dated 09.05.2015 to the respondents herein to recognise the selected committee. But, the 2nd respondent on 10.04.2015 and 08.05.2015, had unilaterally released the voters list and announced selection for the Jamath committee, without consulting the jamathars/residents of the Pura area. Hence, the committee issued a statutory notice on 12.07.2015 u/s.89 of the Wakf Act and also filed a petition u/s.70 of the Wakf Act on 11.09.2015 and since the said petition was not disposed of till date, the petitioner is constrained to approach this Court, by filing the present writ petition.

3 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in his representation, directs the 1st respondent to consider and dispose of the petition of the petitioner dated 11.09.2015 on merits and in accordance with law after issuing notice to the respondents 3 to 7 and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 3 to 7.

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

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

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

2.The Superintendent of Wakfs
Tamil Nadu Wakf Board
No.4A & 5A, 1st floor, Tippu Sultan
Market, 1st Agraharam,
Salem-636 001.

+1 cc to M/s.Sarvabhauman associates,sr.68254.

ks(co)
krd 19/12

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