



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD)No.9108 of 2016

and

WMP(MD)No.7255 of 2016

S.Mansoor Asan

.. Petitioner

Vs

1.The Tamil Nadu Wakf Board,
rep. By its Chief Executive Officer,
1, Jaffer Syrang Street,
Vallai Seethakadhi Nagar,
Chennai- 600 001.

2.The Superintendent of Wakfs,
Tamil Nadu Wakf Board, Trichy.

3.The Inspector of Wakfs,
Tamil Nadu Wakf Board,Pudukottai.

4.Jamia Mosque
Rep. By its Mutawalli,
Mukkanamalaipatti,
Illupur Taluk,
Pudukottai District.

5.P.A.Shahul Hameed,
Mutawalli, Jamia Mosque
Mukkanamalaipatti
Illupur Taluk,
Pudukottai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the fifth respondent as Mutawalli of the fourth respondent Jamia Mosque by initiating proceedings under Section 64 of Wakf Act, 1995 and consequently direct the respondents 1 to 3 to appoint a competent person as Mutawalli to the fourth respondent Jamia Mosque by conducting election within a particular time frame stipulated.

For Petitioner ... Mr.P.Ganapathisubramanian

For R1 to R3 ... Mr.S.Ghouse Yacoob Hussain

ORDER

By consent, the writ petition itself is taken up for final disposal.



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

3. The petitioner has filed this writ petition praying for a direction upon the first respondent to remove the fifth respondent from the post of Muthawalli at the fourth respondent Mosque by initiating proceedings under Section 64 of the Wakf Act, 1995 and to appoint a competent person as Muthawalli by conducting election, within a time frame. If the petitioner wants such a direction, obviously, he has to approach the Wakf Tribunal. However, during the course of argument the learned counsel for the petitioner submitted that a representation was given by the petitioner making certain allegations against the fifth respondent, which was enquired into and statement was recorded by the third respondent from the petitioner on 15.04.2016 and the same has been forwarded to the first respondent for consideration. Since action has not been taken, representation has been given on 01.05.2016, the learned counsel for the petitioner states that the petitioner would be satisfied, if the representation given to the authorities is considered.

4. The learned counsel for the respondents 1 to 3 submits that the reasonable time may be granted to the first respondent to consider the representation in accordance with law.

5. Since the writ petition is disposed of without notice to the respondents 4 & 5, no adverse order is passed as against them and the matter should be considered by the first respondent in accordance with law.

6. In the light of the above, while declining to grant the relief sought for by the petitioner, there will be a direction to the first respondent to consider the petitioner's representation dated 01.05.2016, after issuing notice to the petitioner and the respondents 4 & 5 and all other persons, who are likely to be affected and interested, by affording an opportunity of personal hearing to the parties, and pass a reasoned orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar/
Vacation Officer

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.



W.B. 2016
rj2/am

To

1.The Chief Executive Officer, Tamil Nadu Wakf Board,

1, Jaffer Syrang Street,
Vallai Seethakadhi Nagar,
Chennai- 600 001.

2.The Superintendent of Wakfs,
Tamil Nadu Wakf Board,
Trichy.

3.The Inspector of Wakfs,
Tamil Nadu Wakf Board,
Pudukottai.

+1 cc to Mr.P.Ganapathisubramanian,Advocate, SR No.25973

RG.NGM-SS/SAR-I 05.05.2016 3P.5C

W.P. (MD) No.9108 of 2016
04.05.2016