

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.5797 of 2017

Mouli M.Seyyadh Ibarahim [Hasini]

.. Petitioner

Versus

1.The Secretary

Department of Backward Classes,
Most Backward Classes and Minorities
Welfare, Secretariat, St George Fort
Chennai.

2.The Chief Executive Officer

Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001.

3.The Superintendent of Wakf

O/o.The Superintendent of Wakf
No.8, Arani Road, Sainadhapuram
Vellore.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to consider the representation made by the dated 31.01.2017 and consequently direct the respondents to permit the petitioner to continue with the services as Imaam of Nawab Sandha Miyan Mosque, Tiruvannamalai in accordance with law.

For Petitioner	:	Mr.R.Sathishkumar
For R1	:	Mr.S.N.Parthasarathy, GA
For R2&R3	:	Mr.Mohamed Fayaz Ali

ORDER

By consent, the writ petition is taken up for final disposal. Mr.S.N.Parthasarathy, learned Government Advocate accepts notice on behalf of the 1st respondent and Mr.Mohamed Fayaz Ali, learned counsel accepts notice on behalf of the respondents 2 and 3.

2 The petitioner would claim that as per the proceedings of Nawab Sandha Miyan Mosque Administrative Committee, No.77, Maththalangulatheru, Tiruvannamalai - 606601, the petitioner was appointed as Imaam in place of Imaam Mohamed Nazrullah Rashadhi during April 2013 and was discharging his duties honestly and sincerely in the services of the Almighty. The grievance expressed by the petitioner is that on 28.12.2016, Tvl.Cell Babu @ Mohamed Ali S/o.Ismail, Shahjagan, S/o.Abdul Munaf, Liyaqath Ali S/o.Abdul Majid, Kadersha, Sowkath Ali S/o.Ismail, Mohamed Ali Jinna S/o.Abdul Munaf and Pyarejaan S/o.Kareem Saib, restrained the petitioner from discharging his duties and also threatened him with dire consequences and in this regard, the petitioner has submitted a representation dated 30.01.2017 to the 3rd respondent followed by another representation dated 31.01.2017 to the Member of Central Wakf Council with a request to take appropriate action against the said persons and since no action has been taken so far, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that despite the fact that the petitioner is discharging his duties honestly and sincerely in the services of Almighty, he has been unceremoniously removed without any recourse to law and though he has submitted representations in that regard, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Per contra, the learned counsel appearing for the respondents 2 and 3 would submit that the petitioner has not arrayed Nawab Sandha Miyan Mosque Administrative Committee, No.77, Maththalangulatheru, Tiruvannamalai - 606601, as a party to the writ petition and as such, the writ petition is not maintainable.

5 This Court has considered the rival submissions and also heard the submissions of Mr.S.N.Parthasarathy, learned Government Advocate appearing for the 1st respondent and perused the materials placed before it.

6 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, permits the petitioner to submit a fresh representation to the 3rd respondent along with a copy of this order as well as a copy of the earlier representation dated 31.01.2017 within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent, upon receipt of the same, shall put Nawab Sandha Miyan Mosque Administrative Committee, No.77, Maththalangulatheru, Tiruvannamalai - 606601, on notice and thereafter, consider and dispose of the

petitioner's representation on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to Nawab Sandha Miyan Mosque Administrative Committee, No.77, Maththalangulatheru, Tiruvannamalai - 606601.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary
Department of Backward Classes,
Most Backward Classes and Minorities
Welfare, Secretariat, St George Fort
Chennai.
 - 2.The Chief Executive Officer
Tamil Nadu Wakf Board
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 - 3.The Superintendent of Wakf
O/o.The Superintendent of Wakf
No.8, Arani Road, Sainadhapuram
Vellore.
- +1 cc to M/s.R.Sathishkumar,advocate,sr.15093
- +1 cc to Govt.Pleader,sr.15292.

nr(co)
krd 20/3

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