

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2017

C O R A M

The Honourable Mr.JUSTICE M. GOVINDARAJ

W.P.No.15536 of 2017

R.Hassan Ali Akbar

... Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
Rep. by the Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

2. The District Collector,
Vellore District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to pass orders as per Section 52(2) of the Wakf Act, 1995 in compliance of the order of the first respondent dated 28.02.2017 in Proc.No.13736/13/B7/VLR as sought vide representation dated 07.04.2017 made by the petitioner.

For Petitioner : Mr.N.A.Nissar Ahmed
For Respondent : Mr.A.N.Thambidurai,
R2 Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the second respondent to pass orders as per Section 52(2) of the Wakf Act 1995 in compliance of the order of the first respondent dated 28.02.2017 in Proc.No.13736/13/B7/VLR as sought vide representation dated 07.04.2017 made by the petitioner.

2. In the Writ Petition No.16567 of 2016, dated 29.04.2016, this Court has given a direction to dispose of the representation of the writ petitioner dated 18.03.2016, after conducting an enquiry and after giving an opportunity of personal hearing to all the parties concerned, on merits. But, the first respondent pursuant to the direction issued by this Court, has conducted the enquiry in proceedings

No.13736/13/B7/VLR, dated 28.02.2017 and passed the orders. Now, the grievance of the petitioner is that the second respondent/ District Collector has not taken any action on the basis of the order passed by the first respondent. Now, that a direction is sought to pass orders as per Section 52(2) of the Wakf Act, 1995, for compliance of the order of the first respondent, dated 28.02.2017.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. Considering the limited prayer of passing orders on the basis of the findings of the first respondent in its proceedings dated 28.02.2017, this Court is of the considered view, a direction shall be issued to the second respondent/ District Collector, to pass orders as required under the Statute. Therefore, the second respondent/District Collector is directed to pass orders, after considering the proceedings of the first respondent dated 28.02.2017 and after giving notice to all the parties concerned, within a period of six weeks from the date of receipt of a copy of this order.

5. With these observations, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

asi/kal

To

1. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.
2. The District Collector,
Vellore District.

+1 CC to Mr.V. Raghavachari, Advocate sr 43534
+1 CC to Mr.N.A.Nissar Ahmed, Advocate sr 43561
+1 CC to Govt. Pleader sr 43802

W.P.No.15536 of 2017

SP(10/07/2017)