

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.17572 of 2017

and

W.P.Nos.30199, 30960 & 30961 of 2016

and

W.M.P.Nos.19086,19087 of 2017

and

W.M.P.Nos. 26182, 26827 to 26830 & 37058 of 2016

W.P.No.17572 of 2017

M/s. Nusrathul Islam Jamaath
represented by its Secretary
Mr.K.Abdul Kader,
Chalakkara (PO)
New Mahe - 673311.

.. Petitioner

Vs.

1. Pondicherry State Wakf Board
rep. Chief Executive Officer cum Secretary,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
2. S.A.Sultan Abdul Kadir,
CEO-cum-Secretary,
Pondicherry State Wakf Board,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
3. The Superintendent of Police,
Mahe, Puducherry.
4. Mammoo Kalathum Thazha
5. Rafeeq M.K.
6. Latheef C.H.
7. Riyas
8. Sulaiman,K.P.
9. Ismail Haji.V.P.
10. Abdul Samad

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the first respondent culminating in the impugned Letter No.14/PSWB/B/CEO/2015-17 dated 03.07.2017 and quash the same.

For Petitioner: Mr.C.A.Diwakar

For Respondents: Mr.K.Raja Srinivas
for R1 & R2

Mr.B.Nambiselvan
Additional Government Pleader(P) for R3
Mr.R.Natarajan for R4 to R10

W.P.No.30199 of 2016

M/s. Nusrathul Islam Jamaath
represented by its General Secretary
Mr.K.Abdul Kader,
Chalakkara (PO)
New Mahe - 673311.

... Petitioner

Vs.

1. Pondicherry State Wakf Board
rep. Chief Executive Officer,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
2. S.A.Sultan Abdul Kadir,
CEO-cum-Secretary,
Pondicherry State Wakf Board,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
3. The Superintendent of Police,
Mahe, Puducherry.

4. V.K.Musthafa
5. P.Musthafa
6. K.Hamza
7. K.P.Sulaiman

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondents 1 to 3 herein culminating in the order 4187/SPM/CR/2016 dated 24.08.2016 of the 3rd respondent and quash the same and forbear the respondents 3 to 7 from

interfering with the petitioner's right to administer and manager the Nusrathul Islam Jamaath wakf, Chalakara, New Mahe.

For Petitioner : Mr.C.A.Diwakar

For Respondents: Mr.K.Raja Srinivas
for R1 & R2

Mr.B.Nambiselvan
Additional Government Pleader(P) for R3

W.P.No.30960 of 2016

M/s. Nusrathul Islam Jamaath
represented by its General Secretary
Mr.K.Abdul Kader, Chalakara (PO)
New Mahe - 673311. ... Petitioner

Vs.

1. Pondicherry State Wakf Board
rep. Chief Executive Officer cum Secretary,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
2. S.A.Sultan Abdul Kadir,
CEO-cum-Secretary,
Pondicherry State Wakf Board,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
3. The Superintendent of Police,
Mahe, Puducherry.
4. V.K.Musthafa
5. P.Musthafa
6. K.Hamza
7. K.P.Sulaiman

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the first respondent culminating in the order No.28/PSWB/ Secy/ 99 dated 20.01.2000 and quash the same.

For Petitioner : Mr.C.A.Diwakar

For Respondents : Mr.K.Raja Srinivas
for R1 & R2

Mr.B.Nambiselvan
Additional Government Pleader(P) for R3

W.P.No.30961 of 2016

M/s. Nusrathul Islam Jamaath
represented by its General Secretary
Mr.K.Abdul Kader,
Chalakkara (PO)
New Mahe - 673311.

.. Petitioner

Vs.

1. Pondicherry State Wakf Board
rep. Chief Executive Officer,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
2. S.A.Sultan Abdul Kadir,
CEO-cum-Secretary,
Pondicherry State Wakf Board,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.
3. The Superintendent of Police,
Mahe, Puducherry.
4. V.K.Musthafa
5. P.Musthafa
6. K.Hamza
7. K.P.Sulaiman

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the respondents 1 to 3 herein culminating in the order No.14/PSWB/CEO/2015-16 dated 10.08.2016 of the 3rd respondent and quash the same.

For Petitioner: Mr.C.A.Diwakar

For Respondents: Mr.K.Raja Srinivas
for R1 & R2

Mr.B.Nambiselvan
Additional Government Pleader(P) for R3

COMMON ORDER

1(i) W.P.No.17572 of 2017 has been filed to issue a Writ of Certiorari to call for the records of the first respondent of the impugned Letter No.14/PSWB/B/CEO/2015-17 dated 03.07.2017 and quash the same.

(ii) W.P.No.30199 of 2017 has been filed to issue a Writ of Certiorarified Mandamus to call for the records of the respondents 1 to 3 herein culminating in the order 4187/SPM/CR/2016 dated 24.08.2016 of the 3rd respondent and quash the same and forbear the respondents 3 to 7 from interfering with the petitioner's right to administer and manager the Nusrathul Islam Jamaath wakf, Chalakara, New Mahe.

(iii) W.P.No.30960 of 2017 has been filed to issue a Writ of Certiorari to call for the records of the first respondent in the order No.28/PSWB/ Secy/ 99 dated 20.01.2000 and quash the same.

(iv) W.P.No.30961 of 2017 has been filed to issue a Writ of Certiorari to call for the records of the first respondent in the order No.14/PSWB/CEO/2015-16 dated 10.08.2016 of the 3rd respondent and quash the same.

2. Heard Mr.C.A.Diwakar, learned counsel for the petitioner in all these writ petitions and the learned counsel appearing for the respondents.

3. It is not in dispute that the orders challenged before this Court in the above writ petitions are orders which can be challenged before the Tribunal constituted under the Wakf Act and therefore, filing of these writ petitions in respect of administration of a Wakf cannot be entertained. Therefore, it is for the respective petitioners to work out their remedy before the Tribunal by filing appropriate proceedings challenging the above said orders. This Court is not expressing any view on the merits and contentions raised by the respective parties as this Court is inclined to dispose of these writ petitions only on the ground of maintainability.

4. Accordingly, all these Writ Petitions are disposed of by granting liberty to the respective petitioners to approach the competent Tribunal constituted under the Wakf Act within a period of three weeks from the date of receipt of a copy of this order and file appropriate proceedings. Since this Court, while entertaining these writ petitions has granted interim order and the same is still in force, both the parties are directed to maintain status quo as on today for a period of three weeks. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

vsi

To

1. Chief Executive Officer cum Secretary,
Pondicherry State Wakf Board
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.

2. The CEO-cum-Secretary,
Pondicherry State Wakf Board,
No.5, Yanam Venkatachalam,
Pillai Street, Pondicherry.

3. The Superintendent of Police,
Mahe, Puducherry.

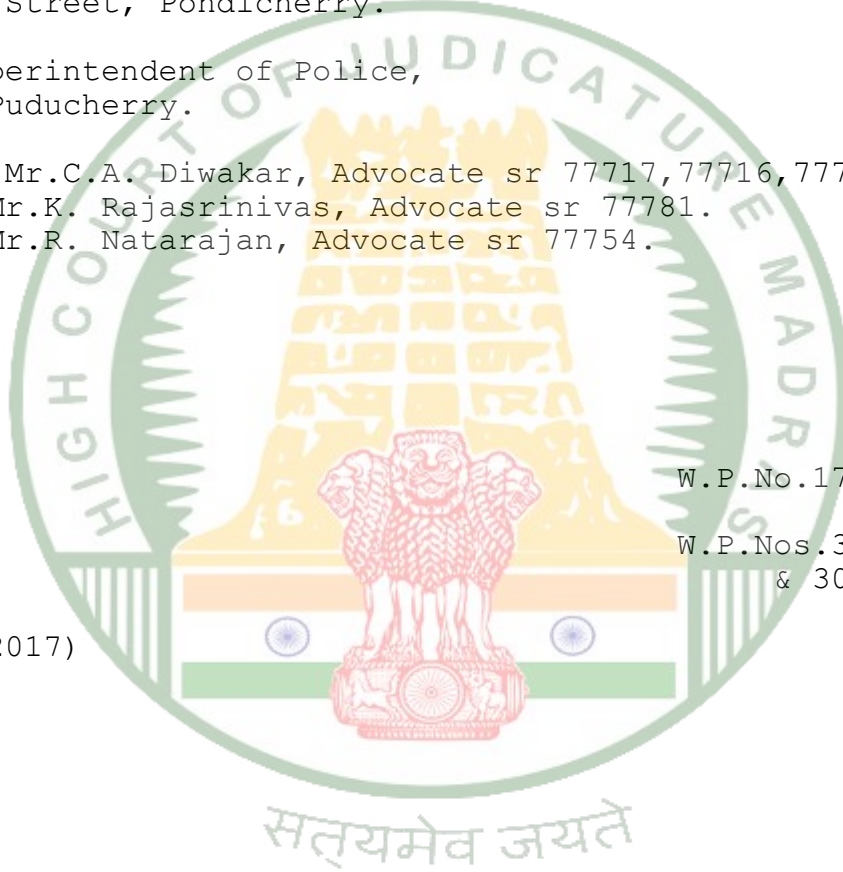
+3 cCs to Mr.C.A. Diwakar, Advocate sr 77717,77716,77718.

+1 Cc to Mr.K. Rajasrinivas, Advocate sr 77781.

+1 Cc to Mr.R. Natarajan, Advocate sr 77754.

W.P.No.17572 of 2017
and
W.P.Nos.30199, 30960
& 30961 of 2016

SP(03/11/2017)



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