



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.14647 of 2015

Khaja Maitheen

... Petitioner

Vs.

1.The Chairman,

Tamil Nadu Wakf Board,
No.1, Jaffer Sirang Street,
Customs House Backside,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Secretary

Tamil Nadu Wakf Board,
No.1, Jaffer Sirang Street,
Customs House Backside,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.The Superintendent of Wakf,

Tamil Nadu Wakf Board,
Madurai Division
Town Hall Road, Mosque (Up Stairs)
Madurai - 625 001.

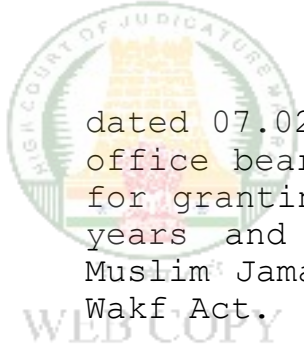
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 08.12.2012 and 18.12.2012 and report of the Wakf Superintendent dated 07.02.2013 and initiate immediate action against the concerned office bearers who are signed in the illegal lease agreement caused for granting lease of the petition Wakf Property for a period of 5 years and to restore the immovable property belongs to K.Pudur Muslim Jamath Pallivasal by invoking Sections 56, 61 and 64 of the Wakf Act.

For Petitioner : Mr.V.R.Venkatesan
For Respondents : Mr.K.K.Senthil

O R D E R

This writ petition has been filed, seeking a direction to the Respondents to consider the representations of the Petitioner dated 08.12.2012 and 18.12.2012 and report of the Wakf Superintendent



dated 07.02.2013 and initiate immediate action against the concerned office bearers who are signed in the illegal lease agreement caused for granting lease of the petition Wakf Property for a period of 5 years and to restore the immovable property belongs to K.Pudur Muslim Jamath Pallivasal by invoking Sections 56, 61 and 64 of the Wakf Act.

2. Heard the learned counsel on either side. By consent on either side, the writ petition itself is taken up for final disposal.

3. According to the petitioner, he is the one of the Executive Member of the Muslim Jamath Mosque situated at No.35, Sankar Nagar, K.Pudur, Madurai, which was duly recognized by the Tamil Nadu Wakf Board. The then President namely, Abdul Rahoof had executed a Rental Agreement dated 15.11.2012 to a third party for running a School, without obtaining consent from the executive members, for a period of five years, which is in violation of Wakf rules. Despite repeated representations dated 08.12.2012 and 18.12.2012 to the respondents no steps has been taken to vacate the property of the Wakf. Hence, the petitioner is before this Court with the above prayer.

4. The learned Counsel appearing for the respondents would submit that the second respondent is the competent authority to pass orders in this matter and if a reasonable time is granted to him, the representation of the petitioner dated 18.12.2012 will be considered and suitable orders passed.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the second respondent to consider the representation of the petitioner dated 18.12.2012 and pass appropriate orders thereon on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any.

6. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.V.R.Venkatesan, Advocate, SR.No.91517

+One cc to Mr.K.K.Senthil, Advocate, SR.No.91505

rm

RL/3C/2P/SV/MMS/SAR4/27/12/2017

W.P (MD) No. 14647 of 2015