



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1007 of 2016

in

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

1.Jamia Mosque,
Rep by its Mutawalli

2.P.A.Shahul Hameed ... Appellants/4th & 5th Respondents
-vs-

1.S.MansoorAsan, ... 1st Respondent / Petitioner

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

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

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

...Respondents 2 to 4/Respondents 1 to 3

PRAYER: Writ Appeal filed under Clause 15 of Letter patent, to set aside the order passed in W.P.(MD)No.9108 of 2016, dated 04.05.2016 on the file of this Court and allow the writ appeal.

Prayer in WP(MD) . 9108/ 2016 :

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 5th respondent as Mutawalli of the 4th 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 4th respondent Jamia Mosque by conducting election within a particular time frame stipulated.



For Petitioner : Mr.S.Vijayakumar
For R1 : Mr.P.Ganapathisubramanian
For R2 to R4 : Mr.K.K.Senthil

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O R D E R**[Order of the Court was made by M.M.SUNDRESH, J.]**

This appeal has been preferred by the appellants, who are the respondents 4 and 5 in the writ petition. The order of the learned single Judge is sought to be challenged on the ground that without waiting for some time after receipt of the representation, the writ petitioner has approached this Court.

2.We do not find any merit in this appeal. The learned single Judge merely directed the first respondent to pass an order. In fact the prayer sought for not considering the representation and for something else. The learned single Judge has merely moulded the prayer. Further more, after the order was passed, the election was also conducted on 21.08.2016.

3. Such view of the subsequent development also nothing survives in the appeal. Hence, the appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S.VIJAYAKUMAR Advocate in SR. No.75866

+1cc to Mr.K.K.SENTHIL Advocate in SR. No.75954

AM/CP

JS/SV.MMS/SAR.2/13.09.2017/2P-3C

W.A. (MD) No.1007 of 2016**01.09.2017**