



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.1956 of 2017
and
W.M.P(MD)No.1618 of 2017

S.A.Abdul Hameed

.. Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu
Backward Classes and Most Backward Classes,
Minority Welfare Department, Fort St. George,
Chennai - 600 009.

2. Tamil Nadu Wakf Board rep. by its
Chief Executive Officer,
No.1, Jaffar Sirang Street,
Vallal Seethkathi Nagar,
Chennai - 600 001.

.. Respondents

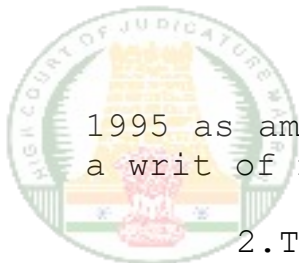
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to appoint the members of the Wakf Board in terms of Section 14(9) of the Wakf Act, 1995 as amended by the Wakf Amendment Act, 2013 to the second respondent Board.

For Petitioner : Mr.G.Ramanathan
For Respondent No.1 : Mr.K.Guru,
Additional Government Pleader.
For Respondent No.2 : Mr.K.K.Senthil

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to appoint members of Wakf Board in terms of Section 14(9) of the Wakf Act,
<https://hcservices.ecourts.gov.in/hcservices/>



1995 as amended by the Wakf Amendment Act, 2013, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has sparingly contended to the effect that the posts of members of Wakf Board are kept vacant for a long time and as per Section 14 (9) of the Wakf Act, 1995 and also as per Amended Act, 2013, the first respondent is a competent authority to fill up the vacancy in the posts of members and under the said circumstances, the present writ petition has been filed.

3.Considering the nature of the relief sought in the writ petition and also considering the factual circumstances mentioned in the petition, this Court is inclined to pass the following order.

4.In fine, this writ petition is allowed without costs and the first respondent is directed to appoint members of Wakf Board in terms of Section 14(9) of the Wakf Act, 1995 and also as per Amended Act, 2013, within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu
Backward Classes and Most Backward Classes,
Minority Welfare Department, Fort St. George,
Chennai - 600 009.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
Vallal Seethkathi Nagar,
Chennai - 600 001.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 50392
+ 1 CC TO Mr.G.RAMANATHAN, ADVOCATE IN SR No. 50061
+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 50106

SMN

TE/SV-MMS/SAR-II : 07/04/2017 : 2P/6C