

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8065 of 2018 and
WMP.No.10047 of 2018

M.Abdul Rahim

..

Petitioner

-vs-

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
1, Jaffar Syrang Street,
Vallal Sidakkathi Nagar,
Chennai-1.

2. A.V.Sirajudeen
3. M.Abdul Hameed

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to take necessary action against the 2nd respondent for his unauthorised act of conducting general body meeting on 8.4.2018 in Masjid Al Haramain, situated at Vallal Yusuf Nagar, Selaiyur Post, Chennai-73, by considering petitioner's representation dated 31.3.2018, within a period stipulated by this Court.

For Petitioner :: Mr.K.Jamuna

For Respondents :: ...

सत्यमेव जयते
ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to take necessary action against the 2nd respondent for his unauthorised act of conducting General Body Meeting on 8.4.2018 in Masjid Al Haramain, situated at Vallal Yusuf Nagar, Selaiyur Post, Chennai-73, by considering the petitioner's representation dated 31.3.2018, within a period stipulated by this Court.

2. Learned Counsel appearing for the petitioner submitted that the petitioner is the Ex-President of the Masjid Al Haramain at Vallal Yusuf Nagar, Selaiyur Post, Chennai-73. Since the 1st respondent was formed by allotting land in Survey

No.39/9 of Rajakhilpakkam Village for the welfare of the Tamil Nadu Wakf Board Employees, By Laws are also framed for electing office bearers. Violating all the by laws, the 2nd respondent has been claiming himself as Muthawalli in the said Masjid Al Haramain at Vallal Yusuf Nagar, Selaiyur Post, Chennai-73. Opposing the same, a representation was given by the petitioner on 24.11.2017 to the 1st respondent, but, no action was taken. Finally, the petitioner approached this Court by filing W.P.No.33437/2017 seeking to issue a Writ of Mandamus, directing the 1st respondent to take necessary action against the 2nd respondent for his unauthorised functioning of Muthawalli in Masjid Al Haramain at Vallal Yusuf Nagar, Selaiyur Post, Chennai-73 by considering his representation dated 3.10.2017 within a stipulated period. This Court by order dated 21.12.2017 directed the 1st respondent to consider the petitioner's representation dated 24.11.2017 and pass appropriate orders in accordance with law. But, till date, no action is taken.

3. The learned Counsel for the petitioner further submitted that in the meanwhile, a notice was given on 27.3.2018 by the 2nd respondent to convene a General Body Meeting which is going to be held on 8.4.2018. Therefore, representations dated 28.3.2018 and 31.3.2018 have been given to the 1st respondent. Since no action is forthcoming on the same, the present Writ Petition has been filed.

4. This Court is not inclined to entertain the writ petition. The reason is that already, seeking a similar relief, W.P.No.33437/2017 has been filed by the petitioner and this Court by order dated 21.12.2017 directed the 1st respondent herein, namely, The Chief Executive Officer, Tamil Nadu Wakf Board, Chennai to consider the said representation of the petitioner dated 24.11.2017. If the 1st respondent has failed to take action, the petitioner should have worked out his remedy in the manner known to law so that he cannot repeatedly approach this Court for any reason. But without exercising the said remedy, the petitioner has filed another Writ Petition seeking the same relief which is unsustainable in law.

5. In view of the above, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

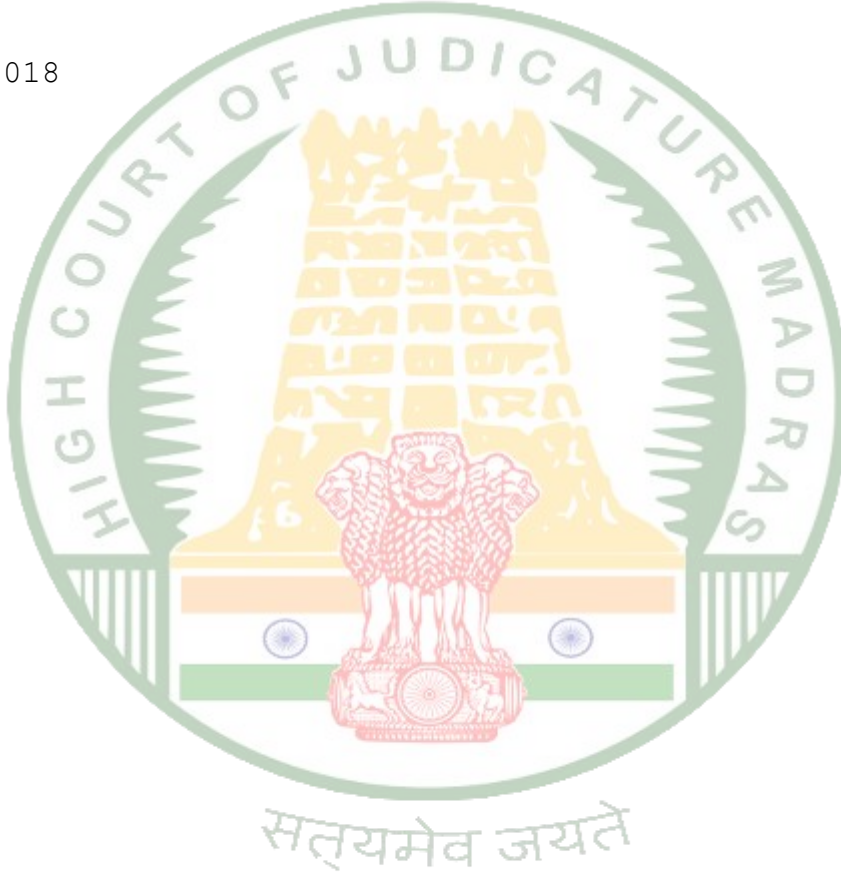
To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
1, Jaffar Syrang Street,
Vallal Sidakkathi Nagar,
Chennai-1.

+1cc to M/s.A.Haja Mohideen, Advocate sr.25882

W.P.No.8065 of 2018

mp(co)
nr 25/04/2018



WEB COPY