

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 12.11.2018

CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.17282 of 2008
and
M.P.No.1 of 2008

C.A.Mohamed Ali
President,
Mangadu Syed Sadiq Pallivasal & Dargah,
Pattu, Mangadu,
Chennai - 602 101.

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Rep.by its Chief Executive Officer,
No.1, Jafar Serang Street,
Chennai - 600 001.

2.The Superintendent of Wakfs
Northern Zone,
Poonamallee Big Mosque Complex,
Trunk Road, Poonamallee,
Chennai - 600 056.

3.H.Mohamed Ismail,

4.Dr.Abbas Ibrahim,
Receiver,
Hazarath Syed Sadiq Aulia Dargah,
Mosque Trust, Perungudi, Chennai.

5.Hazrath Syed Sadiq Valiullah
Dargah and Mosque Trust,
Rep.by its Managing Trustee.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent Wakf Board to dispose of the Petitioner's application dated 04.06.2007 on its own merits in accordance with law for the purpose of enforcing its own resolution dated 27.07.1995 made in item No.55/95 in R.C.No.6086/C1/95/CGT and resolution dated 28.10.1997 in item No.18/97 in R.C.No.2567/C1/96/CGT.

For Petitioner : Mr.M.N.S.Mohamed Habeeb Raja

For R1&R2 : Ms.A.Ajimath Begam

For R3 to R5 : Mr.R.Amernath Rao Khande

ORDER

The petitioner has come up with this writ petition seeking a direction to the first respondent to dispose of his application dated 04.06.2007 on merits and in accordance with law, for the purpose of enforcing the resolution dated 27.07.1995 made as item No.55/95 in R.C.No.6086/C1/95/CGT and the resolution dated 28.10.1997 made as item No.18/97 in R.C.No.2567/C1/96/CGT.

2.The learned counsel for the petitioner submitted that the petitioner submitted a detailed application dated 04.06.2007 to the first respondent, with regard to the recovery of the properties belonging to Syed Sadiq Mosque and Dargah Wakf from the encroachers and the said application is pending without any consideration. Hence, this writ petition.

3.Heard the learned counsel for the respective respondents, who have no objection to direct the first respondent to dispose of the petitioner's application, if it is pending.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to consider the petitioner's application dated 04.06.2007, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to all the parties, within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Tamil Nadu Wakf Board,
Rep.by its Chief Executive Officer,
No.1, Jafar Serang Street, Chennai - 600 001.

2.The Superintendent of Wakfs Northern Zone,
Poonamallee Big Mosque Complex,
Trunk Road, Poonamallee, Chennai - 600 056.

+1cc to the Government Pleader, S.R.No.77705

W.P.No.17282 of 2008

KAN (CO)

rrs 24/01/2019



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