

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 32378 of 2017
and W.M.P.No.2996 of 2018

K.Naser Ali Kirmani

.. Petitioner

Vs

1. Tamil Nadu Wakf Board
Rep by its Chief Executive Officer
No.1, Jaffer Syrang Street
Chennai - 600 001.

2. The Superintendent of Wakfs
138, Dr.Besant Road, Triplicane
Chennai - 600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein to take all the suitable steps for the appointment of Mutawalli for the Haji Ali Naqui Kirmani Express Wakf and appoint Mutawalli within 4 weeks from the date of receipt of the order.

For Petitioner : Mr.Thameem Mohideen

For Respondents : Mr.V.Ragavachari

ORDER

The petitioner has come up with this writ petition seeking a direction to the respondents to appoint Muthawalli for the Haji Ali Naqui Kirmani Express Wakf.

2.According to the learned counsel for the petitioner, the office of the Muthawalli is still vacant since 26.01.2015. The petitioner has submitted a representation dated 22.04.2015 to the second respondent to appoint him as a Muthawalli and the proceedings have been adjourned for passing orders on 03.03.2016. The petitioner claims that though he has sent communication dated 07.11.2016 to the respondents, the respondents have not taken any steps to pass suitable orders. Hence, the petitioner is before this Court.

3.Mr.V.Raghavachari, learned counsel appearing for the respondents submitted that a new Wakf Board has taken charge recently and hence, it requires sufficient time to consider the claim of the petitioner.

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 respondents to pass appropriate orders, on merits and in accordance with law, for appointment of Muthawalli, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Chennai - 600 001.
2. The Superintendent of Wakfs,
138, Dr.Besant Road, Triplicane,
Chennai - 600 005.

+1cc to Mr.A.Thammeem Mohideen, Advocate SR.NO.64067

SS(CO)
sm:23.11.2018

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