

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

WRIT PETITION NO.14665 OF 2018

AND

W.M.P.NO.17308 OF 2018

A.M. Sellappa @ Abdul Rahman

...Petitioner

Vs.

1. The Secretary,
Department of Hindu Religious Institutions and Wakf,
Government of Puducherry.

2. The Chief Executive Officer-Cum-Secretary,
Puducherry State Waqf Board,
Yanam Vengadasalam Street,
Puducherry.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent, their men, agents, or officers from interfering in any manner, in discharging duties by the Committee of Management (Auqaf) Masthan Sahib Valliyullah Dargah Shareef, Karaikal until a new committee is formed/recommended by the Puducherry State Waqf Board.

For Petitioner : Mr.R. Sreedhar

For Respondents : Mr.C.T.Ramesh
Additional Government Pleader

O R D E R

Heard Mr.R.Sreedhar, the learned counsel appearing for the petitioner and Mr.C.T.Ramesh, the learned Additional Government Pleader, accepting notice on behalf of the respondents.

2. The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the first respondent, their men, agents, or officers from interfering in any manner, in discharging duties by the Committee of Management (Auqaf)

Masthan Sahib Valliyullah Dargah Shareef, Karaikal, until a new committee is formed/recommended by the Puducherry State Waqf Board.

3. The facts of the case in short is that, the Puducherry State Wakf Board, in exercise of its power under Section 32 (2) (g) read with Section 63 of the Central Wakf Act, 1995, Wakf Amendment Act, 2013, in its order, dated 02.12.2014, decided to constitute a Management Committee (Auqaf) Karaikal, Masthan Sahib Valiyullah Dargah, Masthan Palli Street, Karaikal, by appointing seven members to administer and manage the affairs of the Committee for a period of three years from the date of issuance of the order or till they are discharged. After passing the order, appointing the petitioner, the tenure of the Waqf Board come to an end during the year 2015, and thereafter, it was not re-constituted. It is the contention of the petitioner that in the absence of the Waqf Board, the Committee of Management shall not be dissolved until a new Committee is formed by the first respondent in consultation of the Waqf Board. Thus, when the Wakf Board is not in existence, the first respondent has taken steps to dissolve the Committee of Management with a proposal to appoint a new ad hoc Committee. Aggrieved over the same, the present Writ Petition seeking for the aforementioned relief.

4. The learned Additional Government Pleader for the respondents submits that the apprehension with which the petitioner has come to this Court stating that the first respondent is taking steps to dissolve the Committee of Management by appointing a new ad hoc committee is wholly misconceived and the Committee of Management is not going to be dissolved. It is his further submission that the tenure of the petitioner has come to end during December, 2015 and the rights and duties being discharged by the petitioner/Management can also be discharged by the second respondent.

5. Therefore, this Court placing on record the submission made by the learned Additional Government Pleader for the respondents that the first respondent is not going to appoint any ad hoc Committee, which will be made by the first respondent in consultation of the second respondent, this Court is not inclined to entertain this Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

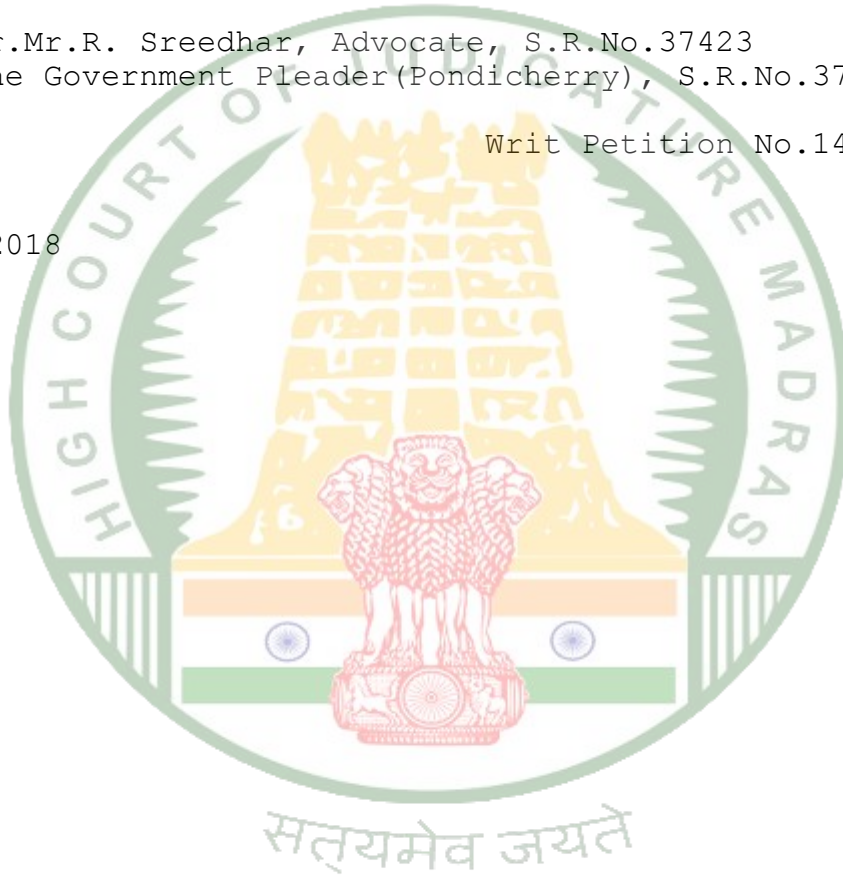
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Government of Puducherry.
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Puducherry.

+lcc to Mr.Mr.R. Sreedhar, Advocate, S.R.No.37423

+lcc to the Government Pleader(Pondicherry), S.R.No.37969

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