

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30283 of 2018

Mohamed Rafi

... Petitioner

..Vs..

- 1.The Chairman,
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board
No.1, Jaffer Syrang street,
Vallal Seethakathi Nagar,
Chennai - 600 001
- 3.The Superintendent of Wakf,
No.15/16, Pallivasal Campus,
Avinashi Salai, Upplipalayam,
Coimbatore-18

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 02.11.2018 within a time bound frame.

For Petitioner : Mr.Murugesh Kasivel

For Respondents: Mr.A.Rajamohan
Standing Counsel for Wakf Board

ORDER

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking a direction to the respondents to consider the petitioner's

representation dated 02.11.2018.

3. The case of the petitioner is that he is one of the members of Maha Sabha of Hyder Ali Tippu Dhakni Sunnath Jamath Pallivasal Kabarastan and Idgah Wakf, situated at Mettupalayam Road, Coimbatore District. The respondent Board has appointed Mr.A.Ahmed Basha as a head and other members for administering the said wakf. In the meanwhile, the respondent board passed a resolution in item no.22/18, in Rc.No.6209/11/B3/CBE dated 19.06.2018, by which the Management was taken over by the Tamil nadu Wakf Board, for a period of six months i.e., from 19.06.2018. Further, the third respondent was appointed as the Executive Officer for the said Wakf.

4. Now, the grievance of the petitioners is that the said board is not taking care of the Wakf and the management and maintenance was not proper. Therefore, the petitioner submitted a representation dated 02.11.2018 to appoint a temporary Administration Committee consisting of 11 members for the purpose of Wakf supervision, maintenance and security. Since, no action has been taken on the same till date, the present writ petition has been filed.

5. The learned counsel appearing for the respondents would submit that the election process for the election of members will take at least four months time. He would further submit that as there is direct control by the Wakf Board itself, it is open to the petitioner, to approach the Executive Officer incharge of Wakf board, directly for redressing his grievance.

6. Heard both sides. Perused the materials available on record.

7. It is seen that the representation is given only on 02.11.2018; the petitioner has rushed to this Court, even without giving time for the respondents to consider his representation which was sent only on 02.11.2018 and it is not known, when the same was received by the Board. But, there is no impediment for the respondents to take up the representation of the petitioner dated 02.11.2018.

8. Considering the facts and circumstances of the case and also considering the submissions made, the respondents are directed to consider the representation of the petitioner dated 02.11.2018, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity of personal hearing to the petitioner, as well as any interested parties. However, it is made clear that this Court has not expressed any opinion on the merits of this case.

9. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arr/rst

To

- 1.The Chairman,
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street,
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Chennai - 600 001
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No.15/16, Pallivasal Campus,
Avinashi Salai, Upplipalayam,
Coimbatore-18

+lcc to Mr.Murugesh Kasivel, Advocate sr.no.78687

सत्यमेव जयते

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nr 20/12/2018

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