



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1439 of 2018

and

W.M.P. (MD) Nos.1500 & 1501 of 2018

WEB COPY

Peer Mohammed Oliyulla Dargah,  
Represented by its Mutavali,  
A.Ahamed Irabhim

... Petitioner

-Vs-

1.The Tamil Nadu Wakf Board,  
Represented by its Chief Executive Officer,  
No.1, Jaffar Syrang Street,  
Vallal Seethakathi Salai,  
Manadi, Chennai-01.

2.The Superintendent of Wakfs,  
Ramanathapuram,  
Tamil Nadu Wakf Board,  
No.159/3, Tharapasayamman Road,  
Vellipattinam,  
Ramanathapuram-623 504.

3.R.S.Rahamuthullah

4.P.Sahubar Sathik

5.Muslim Jamat Pallivasal,  
Represented by its Secretary,  
Vallinokkam,  
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in R.C.No.11839/14/B3/RMD dated 06.10.2017 on the file of the respondent No.1 and quash the same as illegal.

|                |                                           |
|----------------|-------------------------------------------|
| For Petitioner | : Mrs.Meenakshi<br>for Mr.T.Lajapathi Roy |
| For R1 & R2    | : Mr.K.K.Senthil                          |
| For R3 & R4    | : Mr.S.M.A.Jinnah                         |
| For R5         | : No Appearance                           |

ORDER

The Writ Petition has been filed, challenging the order dated 06.10.2017 passed by the first respondent, permitting to administer the management of Peer Mohamed Oliyullah Dargah.



2.The case of the petitioner is that the petitioner's grandfather, namely, S.M.Mohammed Meera Sahib was functioning as Mutavali of the above said Dargah till 1996 and the father of the petitioner was functioning as Mutavali from the year 1996 to 2006 and after the demise of the petitioner's father, the petitioner is functioning as Mutavali till date.

3.Earlier, the Tamil Nadu Wakf Board, vide resolution No.78/2001 dated 29.03.2001, appointed one S.M.M.Abdul Salam as mutavali for a period of three years and the same was challenged by the father of the petitioner in W.O.P.No.6 of 2001 before the Sub Court, Ramanathapuram District and the above petition has been stayed in I.A.No.77 of 2001 by the Sub Court, Ramanathapuram District. Subsequently, the petitioner's father filed a W.O.P.No.1 of 2002 before the Wakf Board, Ramanathapuram, seeking for declaration and the same was allowed and the petitioner's father was declared as Mutavali of the above said Dargah. By virtue of the order of the Wakf Board, the petitioner is entitled to hold the post of mutavali. But, the first respondent, by the impugned order in R.C.No.11839/14/B3/RMD dated 06.10.2017, permitted the respondents 3 to 5 to administer the above said Dargah and this order is under challenge in this Writ Petition.

4.Today, when the matter is taken up for hearing, Mr.K.K.Senthil, learned counsel for the respondents 1 and 2 submitted that against the order passed in W.O.P.No.1 of 2001, the said S.M.M.Abdul Salam filed a Writ Petition in W.P.No.26801 of 2004 before the Principal Seat of this Court. In W.M.P.No.32632 of 2004 in the said Writ Petition, an order of status quo was passed. Subsequently, the petitioner himself filed a vacate stay petition in W.M.P.No.297 of 2006 to vacate the interim order and the Principal Seat of this Court, by an order dated 25.10.2007, dismissed the above petition as non-prosecution.

5.The learned counsel for the respondents 3 and 4 also produced a copy of the order passed by the Principal Seat of this Court.

6.I have heard the learned counsel for the petitioner as well as the learned counsel for the respondents and perused the materials available on record carefully.

7.Considering the fact that since the order passed by the Wakf Board has been stayed, the petitioner cannot claim any right to administer the said Dhargah. In the above circumstances, I find no illegality or irregularity in the order passed by the first respondent.



8. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

TO

+1cc to Mr.K.K.SENTHIL, Advocate, SR.45794  
+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.45740  
+1cc to Mr.S.M.A.JINNAH, Advocate, SR. 45887

W.P (MD) No.1439 of 2018  
01.02.2018  
(1/2)

MYR

KK/JC/SAR 4/16.02.2018/ 3P- 4C/