

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.22217 of 2008
and M.P.No.1 of 2008

1. R.Abu Backer
2. M.Abdul Malick
3. M.Abdul Khader

...Petitioners

Vs

1. The Tamil Nadu Wakf Board,
Rep. by its Secretary,
9th Cross Street,
Indira Nagar, Adyar,
Chennai 600 020.

2. Larabsha Darga
Panrutti,
Rep. by its Muthawallis
(1) Heeralal
(2) Khaleel Basha
Panrutti Taluk and Town,
Cuddalore District.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, direct the first respondent to initiate appropriate action on the basis of the representation submitted by the petitioners dated 16.04.2007 in accordance with law.

For Petitioner : Mr.V.Selvaraj

For Respondents : Mr.A.S.Kaizer, for R1
Mr.P.Madan, for R2

ORDER

Heard the learned counsels appearing on either side and perused the materials available on record.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to initiate appropriate action on the basis of the petitioners' representation dated 16.04.2007 in accordance with law.

3. The learned counsel for the petitioners would state that the second respondent / Larabsha Darga was declared as a Public Wakf by the competent Civil Court in O.S.No.189 of 1978 and the same has been upheld by the Hon'ble Apex Court in S.L.P.No.2486 of 1990. Despite the same, in the written statement filed during July 2003 in O.S.No.75 of 2001, the Chairman of the Tamil Nadu Wakf Board has stated that it is a Private Wakf. Hence, the petitioner sent a representation to take appropriate action. Since there was no response, the present Writ Petition has been filed.

4. The learned Standing Counsel for the first respondent would state that the said representation was not received by the first respondent and if a fresh representation is given, the first respondent is ready to take appropriate action.

5. Taking note of the prayer sought for in the Writ Petition and the submissions of the learned counsels made on either side, this Court, without going into the merits of the case, directs the petitioners to give a fresh representation by enclosing a copy of this order, within a period of two weeks. On such compliance, the first respondent shall take appropriate action in accordance with law, after providing opportunity to the necessary parties, within a period of twelve weeks therefrom.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

pvs

Sd/-

Assistant Registrar

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

The Secretary,
Tamil Nadu Wakf Board,
9th Cross Street,
Indira Nagar, Adyar,
Chennai 600 020.

W.P.No.22217 of 2008

Kak (30/09/2019)