

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.16832 of 2016
and WMP.Nos.14448 and 14449 of 2016

1. Janab S.A. Mohamed Ali
2. K.A.S.K. Hussain Ali ...Petitioners

Vs

1. The Tamil Nadu Wakf Board,
Rep. by its Chairman,
Vallal Seethakkathi Nagar,
Chennai 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakkathi Nagar,
Chennai 600 001.
3. Janaba S. Shageetha Begum
4. Janaba A. Fathima Begum
5. Janaba H. Javeed Batcha
6. Janab K. Sadiq Batcha ...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in ROC.No.4146/14/A2/Erode and to quash the resolution in Item 207/15 dated 30.12.2015 made therein and consequently to direct the respondents to forbear and desist from interfering with the rights of the petitioners as hereditary Muthawallis of Sheik Allaudeen Badusha Aulia Durga, Erode.

For Petitioners:Mr.T.M.Hariharan

For Respondents:Mr.LSM Hazan Fizal, for RR1 & 2
Mr.N.A.Nissar Ahmed, for R3
No Appearance, for RR4 & 5
Mr.R.Marudhachala Murthy, for R6

ORDER

Assailing the appointment of the third respondent as Muthavalli and the members of the Darga, this Writ Petition has been filed.

2. Following, the decision of the Hon'ble Supreme Court in Board of Wakf, West Bengal Vs. Anis Fatma Begum, reported in (2010) 14 SCC 588, this Writ Petition is dismissed as not maintainable with liberty to file an appeal before the Wakf Board. If any appeal is filed by the petitioners within a period of four weeks from the date of receipt of a copy of this order, the Tribunal shall dispose of the same in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. Chairman,
The Tamil Nadu Wakf Board,
Vallal Seethakkathi Nagar,
Chennai 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakkathi Nagar,
Chennai 600 001.

+1cc to M/s.T.M.Hariharan, Advocate Sr.66369
+1cc to M/s.N.A.Nissar Ahmed, Advocate Sr.66489
+1cc to M/s.A.Marudhachalamurthy, Advocate Sr.66798

W.P.No.16832 of 2016

rr[co]
srg 01/10/2019