

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.7965 of 2019

Khader Sheriff

...Petitioner

Vs.

1.The Tamil Nadu Waqf Board
Rep. by its Chief Executive Officer
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar
Mannady, Chennai-600 001.

2.The Waqf Inspector
Salem Zone, Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to conduct enquiry on the representation dated 31.07.2018 pending on the file of the 1st respondent and to take necessary action under Section 36 of the Waqf Act, 1995, to register the Masjithul Quba, Mannakudu, Salem.

For Petitioner : Mr.A.Ajimath Begam

For Respondents: Mr.L.S.M.Hasan Fizal

O R D E R

Mr.L.S.M.Hasan Fizal, learned counsel takes notice for the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the 1st respondent to conduct enquiry on the representation dated 31.07.2018 pending on the file of the 1st respondent and to take necessary action under Section 36 of the Waqf Act, 1995, to register the Masjithul Quba, Mannakudu, Salem.

3. It is stated that the Masjithul Quba, Mannakadu, Salem was constructed by the Jamathars in the year 2004. It is further stated that since the Masjid being the public premises, the petitioner sent a representation dated 31.07.2018 to the first respondent seeking to register the above said Masjid with the first respondent-Waqf Board under Section 36 of the Waqf

Act, 1995. The grievance of the petitioner before this Court is that the said representation has not been considered by the first respondent so far.

4. Heard both sides.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the first respondent to consider and decide the same on merits and in accordance with law. Accordingly, this Writ Petition is disposed of only with a direction to the first respondent to consider the representation dated 31.07.2018 and pass orders on the same on merits and in accordance with law, after hearing the petitioner and other interested parties, if any. Such exercise shall be done by the first respondent within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Executive Officer,
The Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar
Mannady, Chennai-600 001.

2.The Waqf Inspector
Salem Zone, Salem.

+1cc to Mr.L.S.M.Hasan Fizal, Advocate sr.no.26725

+1cc to Mr.A.Ajimath Begam, Advocate sr.no.26632

W.P.No.7965 of 2019

cs 15/04/2019