



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.14091 of 2019

and

W.M.P(MD)Nos.10567 & 10568 of 2019

Rafiq Ahmed

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai.

2.The Superintendent of Wakf,
Wakf Superintendent Office,
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice issued by the second respondent dated 13.06.2019 and quash the same and consequently direct the respondents Board to permit the existing Five members committee which was already appointed to conduct the Urus Santhana Koodu Vila on 27th and 28th of June 2019 at Rajagiri Mahilambu Thayakal @ Masjide Paharshah Valiyullah Dargah, Rajagiri, Papanasam, Thanjavur District.

For Petitioner : Mr.B.Jameel Arasu

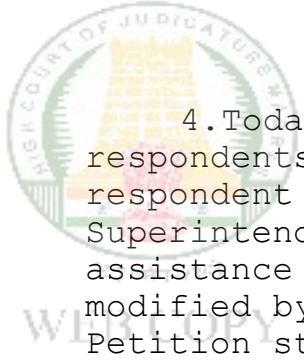
For Respondents : Mr.T.S.Mohammed Mohideen

ORDER

This Writ Petition falls within a narrow compass and seeks a Certiorarified Mandamus calling for notice dated 13.06.2019 issued by the Superintendent of Wakf, quash of the same and a direction to the Wakf Board to permit the existing five member committee to conduct Urus Santhana Koodu Vila (festival in question) at Rajagiri Mahilambu Thayakal @ Masjide Paharshah Valiyullah Dargah, Rajagiri, Papanasam, Thanjavur District.

2.Admittedly, the festival in question is to be conducted on 27.06.2019 and 28.06.2019. The impugned notice challenges the appointment of an individual, one Mr.M.Noordeen, S/o.Mohammed Kani, who has been authorised to look after arrangements and conduct the Thiruvizha, unilaterally.

3.Mr.T.S.Mohammed Mohideen, learned counsel had accepted notice on behalf of the respondents and sought a days' time to obtain instructions in regard to the matter.



4.Today, ie., on 26.06.2019, learned counsel appearing for the respondents produces a copy of an order passed by the first respondent dated 25.06.2019, to the effect that the Wakf Superintendent will conduct the festival in question, with the assistance of Mr.M.Noordeen. Thus, the impugned notice has been modified by the first respondent and as such, the prayer in the Writ Petition stands achieved.

5.Be that as it may, learned counsel for the respondents also states that this is a case where the direct management of the Wakf has been assumed by the Board in terms of Section 65 of the Wakf Act, 1995 and the Wakf has thus been managed by the Board since 01.06.2016. In such circumstances, I see no justification for any deviation in the procedures followed for management of the Wakf and none has been made out before me.

6.In the aforesaid circumstances, the ensuing festival in question will also be conducted by the Wakf Board through the Wakf Superintendent only.

7.All collections by Mr.M.Noorden from the date of assumption of his office under the impugned order viz., on 13.06.2019 till the date of order modifying his appointment on 25.06.2019, shall be handed over to / accounted for to the Wakf Board through the Wakf Superintendent.

8.The Writ Petition is allowed in the aforesaid terms. No costs. consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai.

2.The Superintendent of Wakf,
Wakf Superintendent Office,
Thanjavur.

+1cc to Mr.B.JAMEEL ARASU, Advocate, SR.No. 71502

+1cc to Mr.T.S.MOHAMMED MOHIDHEEN, Advocate, SR.No. 71675

W.P(MD)No.14091 of 2019
26.06.2019