



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 4303 of 2019

WEB COPY

Mohamed Ali

... Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
Represented by its,
Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar,
Chennai - 600 001.

2. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Thanjavur Wakf Zone,
No.27, Neethi Nagar,
Divan Street, Court Road,
Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to frame scheme for the administration of Hazarth Santha Hussain Thaikkal situated at Maharnombuchavadai, Thanjavur Town and District under 69 of Waqf Act, 1995 by considering the petitioner's representation dated 14.11.2015 and 25.09.2018.

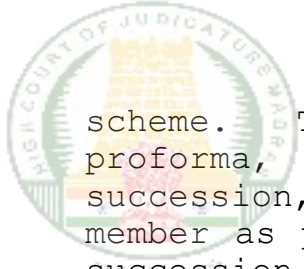
For Petitioner
For Respondents

: Mr.D.S.Haroon Rasheed
: Mr.B.Mohammed Idrish

ORDER

Heard the learned counsel on either side.

2. The Writ petitioner wants the respondents to frame a scheme for the administration of the petition mentioned Wakf. When the matter was taken up for hearing, the learned Standing counsel appearing for the respondents drew my attention to the order dated 07.02.2017 passed in W.P.(MD) No.2022 of 2017. In the said Writ petition, one Nazeer Ahamed was the Writ petitioner. He also prayed for the very same relief now sought in this Writ petition. The learned Judge disposed of the said Writ petition by order dated 07.02.2017 directing the Board to consider the representation given by the petitioner. Pursuant thereto, the Wakf Board has passed an order dated 29.06.2018, rejecting the request for framing of a



scheme. The reasons for rejecting the request was that in the proforma, it had been clearly mentioned that as per the rule of succession, the office of Muthavalli is to go to the eldest male member as per usage and custom. Since in the proforma, the rule of succession had been laid down, the question of framing a scheme for administration did not arise. Thereafter, yet another order dated 26.02.2019 had been passed in terms of the said order. The said Wakf was withdrawn from the direct management and the administration was handed over to the Joint Muthavallies.

3. In view of the proceedings dated 29.06.2018 issued by the Wakf Board and the subsequent proceedings dated 26.02.2019, I am of the view that the present Writ petition is not maintainable.

4. This Writ petition stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

1. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street, Vallal Seethakadhi Nagar,
Chennai - 600 001.

2. The Superintendent of Wakf,
Tamil Nadu Wakf Board, Thanjavur Wakf Zone,
No.27, Neethi Nagar, Divan Street, Court Road,
Thanjavur.

+2 CC to M/s.B.MOHAMED IDRISH, Advocate
(SR-61369[F] dated 16/04/2019)

W.P.(MD)No.4303 of 2019
15.04.2019

pmu

ES/30.04.2019/3P/5C