



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

WP(MD).No. 20850 of 2019

Mohamed Abubacker

: Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
Rep. by its Executive Officer (FAC),
No.1, Jaffersyrang Street,
Vallalseethakathi Nagar,
Chennai - 600 001.

2. Janab N.K. Asif Ahamed

: Respondent

Prayer: This Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to take the petition filed by the petitioner under Section 92 of the Civil Procedure Code, which was received by him on 21.02.2019 on file and to dispose the same within the time stipulated by this Court.

For Petitioner

: Mr. A. Senthilkumar

For Respondents

: Mr.S.A. Ajmalkhan
Standing Counsel for Wakf

O R D E R

This Writ Petition has been filed for issuing a direction to the first respondent to take the petition filed by the petitioner under Section 92 of the Civil Procedure Code, which was received by him on 21.02.2019 on file and to dispose the same within the time frame to be fixed by this Court.

2. The petitioner filed a suit before the learned Principal District Judge, Thanjavur, under Section 92 of the Civil Procedure Code to remove the 2nd respondent from the Trusteeship. The said petition was returned on the ground that as per the directions issued by the High Court in WP(MD).Nos. 15524 of 2012 and CRP(MD). Nos. 2461 of 2012 etc., batch, first respondent / Tamil Nadu Wakf Board is alone the competent authority to decide the matter for removal of Trustees under Section 83 of the Act. Accordingly, the



petitioner presented a petition before the first respondent for removal of the 2nd respondent from his office, but, no action has been taken so far. Aggrieved over the same, the petitioner is before this Court.

3. Mr.S.A. Ajmalkhan, learned Standing Counsel took notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. Considering the facts and circumstances of the case and also considering the fact that the petition is pending from 21.02.2019, a direction is given to the first respondent to consider the petition filed for removal of 2nd respondent on 21.02.2019, after affording an opportunity of personal hearing and dispose of the same as expeditiously as possible, in any event not later than, six months from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Executive Officer (FAC),
Tamil Nadu Wakf Board,
No.1, Jaffersyrang Street,
Vallalseethakathi Nagar,
Chennai - 600 001.

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-89943[F] dated 27/09/2019

+1 CC to M/s.A.SENTHIL KUMAR, Advocate (SR-90630[F] dated 01/10/2019)

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JMN(22.10.2019) 2P : 4C