

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.746 of 2020

A.M.Shajahan

.. Petitioner

..Vs..

1. The Tamil Nadu Waqf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakadhi Nagar,
Mannady, Chennai - 600 001.
2. Nawab Chanda Mian Mosque and
Meer Momin Tomb Waqf,
Rep. By its Adhoc Committee president
T.S.No.630, Ward No.1,
Mathalangulam Street,
Velakkandail Village,
Tiruvannamalai - 606 601.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 04.11.2019 within a stipulated time and to appoint a fresh managing committee to the 2nd respondent as per the rule of succession to the post of Muthawalli made in the registration of the Waqf.

For Petitioner : Mrs.A.Ajimath Begam

For Respondents : Mrs.Abitha Banu (for R1)

ORDER

The petitioner has filed the present writ petition in the nature of mandamus seeking a direction to the 1st respondent namely the Tamil nadu Waqf Board, represented by its Chief Executive Officer, Chennai to consider the representation dated 04.11.2019 which had been given for the purpose of appointment of a fresh managing committee to the 2nd respondent namely Nawab Chanda Mian Mosque and Meer Momin Tomb Waqf, at Mathalangulam Street, Velakkandail Village, Tiruvannamalai District.

2. The petitioner herein claims to be a person interested in the Waqf under Section 3 (i) of the Waqf Act, 1995 as he offers his regular prayers in the above 2nd respondent Waqf. The 2nd respondent had surveyed and notified the Waqf in G.S.No.345/NA. The rule of Succession to the office of Muthavalli was governed by a scheme decree framed in O.S.31/33. It is also stated that the Waqf owns huge extent of property, nearly about 255.09 acres. The petitioner claims that the Waqf was mismanaged by the hereditary Muthavalli who was removed from post. From the records of the 1st respondent, it is claimed by the applicant that the no hereditary appointment has been made after removal. The descendants of the erstwhile Muthavalli were evacuated from Tiruvannamali town since the erstwhile President committed various irregularities. Even the Committee which is functioning till present is also alleged to have committed irregularities. The petitioner has filed an application in O.A.No.348 of 2019 before the Waqf Tribunal, Chennai, seeking several reliefs. In these circumstances, a representation has been given by the petitioner on 04.11.2019 and a direction to dispose is sought in this petition.

3. Heard the learned counsel for the petitioner and the learned counsel for Waqf Board/R1 and perused the materials available on record.

4. In view of the nature of the allegations of irregularities committed in the office of the 2nd respondent Waqfs, a direction is issued to the 1st respondent to issue notice not only to the petitioner but also to any other stake holder and persons who are interested, and thereafter permit them to give their representation in writing and if necessary also adduce oral evidence and thereafter pass considered orders based on reasons. At any rate, the entire exercise should be completed on or before 30.04.2020.

5. With the above observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vum

To

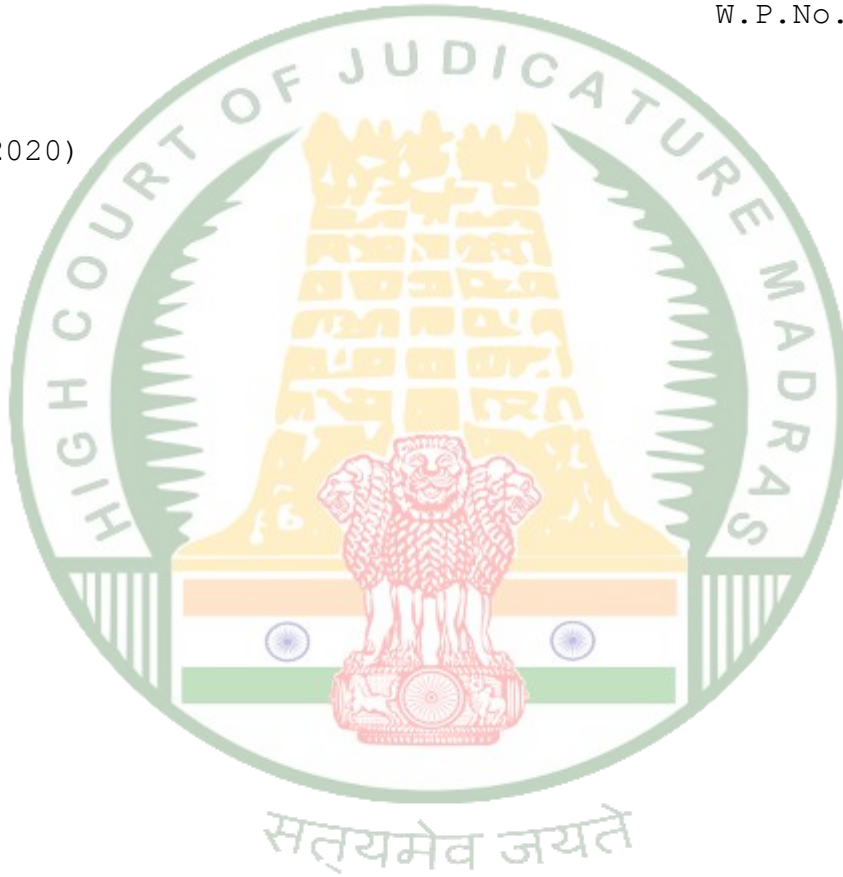
1. The Tamil Nadu Waqf Board,
Rep. By its Chief Executive Officer,
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Vallal Seethakadhi Nagar,
Mannady, Chennai - 600 001.

+1cc to Mr.Abitha Banu, Advocate, S.R.No. 3561

+1cc to Mr.A.Ajimah Begum, Advocate, S.R.No. 3830

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SPD(CO)
GN(12/02/2020)



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