

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2305 of 2020

P.Kadhar Vali

... Petitioner

vs

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
George Town, Chennai-1.

2. The Superintendent of Wakfs,
Salem District,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to consider the petitioner representation dated 21.01.2020 to direct the respondent(s) to register a new wakf under the name and style of 'Masjid Al Madheena' in accordance with Section 36 of the Wakf Act, 1995 and consequently, appoint the petitioner as Mutawalli of the said Wakf and the other trustees mentioned in the Wakf Deed dated 21.01.2020 as the committee members of the said Wakf within a reasonable time fixed by this Court.

For Petitioner : Mr.E.Mohamed Abbas

For Respondents: Mr.S.Haja Mohideen Gisthi

ORDER

The petitioner seeks for a Mandamus to consider his representation dated 21.01.2020 by directing the respondent(s) to register a new wakf under the name and style of 'Masjid Al Madheena' in accordance with Section 36 of the Wakf Act, 1995 and consequently, appoint the petitioner as Mutawalli of the said Wakf and the other trustees mentioned in the Wakf Deed dated 21.01.2020 as the committee members of the said Wakf within a reasonable time fixed by this Court.

2. Heard both sides.

3. The petitioner through the said representation seeks for registering a new wakf under the name and style of 'Masjid Al Madheena'. The grievance of the petitioner is that the said representation has not been considered by the respondents so far. In the said representation, the petitioner also seeks for appointment of the petitioner as Mutawalli of the said wakf and other trustees mentioned in the Wakf Deed dated 21.01.2020 as the committee members of the said Wakf.

4. This Court, at this stage, cannot express any view on the merits of the claim made by the petitioner, as the very representation seeking for registration of a new Wakf is pending before the first respondent. Therefore, this writ petition is disposed of, only by directing the first respondent to consider the representation of the petitioner dated 21.01.2020 and pass orders on merits and in accordance with law, after giving due opportunity of hearing to all the parties concerned. Such exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri

To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
George Town, Chennai-1.

2. The Superintendent of Wakfs,
Salem District,
Salem.

+1cc to Mr.S.Haja Mohideen Gisthi, Advocate, Sr.No.22502

+1cc to Mr.E.Mohamed Abbas, Advocate, Sr.No.22041

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PP(CO)

GS(04/06/2020)