

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.3823 of 2020

S.Mohamed Ibrahim

.. Petitioner

..Vs..

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Mannady Chennai-600 001.

2.Arundale Street Mosque and Burial Ground Waqf,
Rep by its Executive Officer,
Arundale Street,
Mylapore,
Chennai.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the representation dated 05.12.2019 and conduct enquiry pending on the file of the first respondent and to take necessary action under Section 26 of the Waqf Act, 1995.

For Petitioner : Mr.B.Karthikeyan

For Respondents : Mr.V.Lakshmi Narayanan for R1

O R D E R

Mr.V.Lakshmi Narayanan, learned counsel takes notice for the first respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to consider the representation dated 05.12.2019 and conduct enquiry pending and to take necessary action under Section 26 of the Waqf Act, 1995.

3.In the affidavit filed in support of the writ petition, it is stated that the second respondent Waqf owns landed property in T.S.No.2024/ Mylapore measuring an extent of 95 grounds and 1748 Sq.ft. The Tamil Nadu Board notified the properties as Waqf under the provisions of Waqf Act. It is stated that the Muthawalli, who was managing the Waqf had obtained patta in his name for the whole extent of Waqf property. This was brought to the knowledge of the then Collector, who cancelled the patta issued in the individual name. Thereafter, a Writ Petition has been filed and the following order passed:-

"The Waqf Board shall determine and apportion the extent of the property which is dedicated for the purpose of upkeep and management of the Masjid efficiently and to what extent of the property is dedicated to the benefit of the male descendants of the Wakif after giving adequate opportunity to the petitioners and the concerned parties.

Finally, a representation was given by the petitioner on 05.12.2019 to take necessary action under Section 26 of the Waqf Act, 1995.

4.The learned counsel for the petitioner would submit that this Court may issue directions to the first respondent to dispose of the representation dated 05.12.2019 and pass orders.

5.The learned counsel for the first respondent submitted that the first respondent had actually commenced the enquiry on 16.12.2019 and the petitioner herein had attended the enquiry conducted by the Waqf Superintendent, Chennai and had also given statement. He further stated that it would take atleast four months to complete the proceedings.

6. Without expressing any opinion on the merits of the case, this Court is inclined to issue a direction to the first respondent to consider the representation dated 05.12.2019 submitted by the petitioner and pass appropriate orders on or before 31.06.2020 in accordance with law.

7.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(VIII)

//True copy//

Sub Assistant Registrar

tta

To

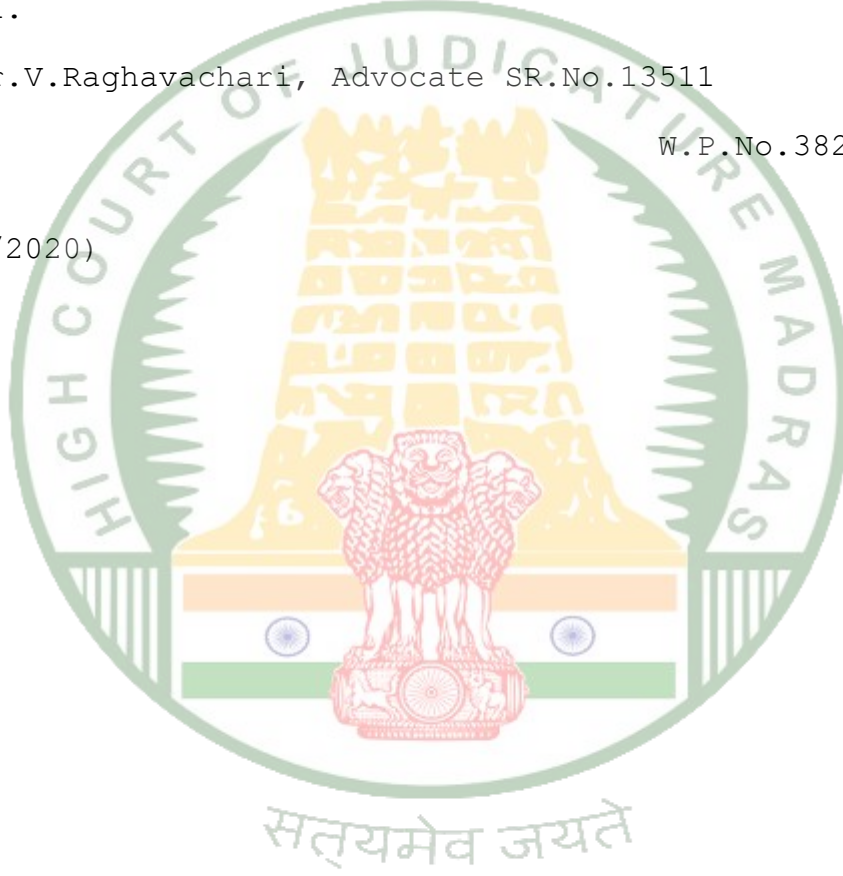
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+1cc to Mr.V.Raghavachari, Advocate SR.No.13511

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RV (CO)
GMY (19/02/2020)



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