



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:24.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.3671 of 2020

and

W.M.P (MD)No.3100 of 2020

K.S.Sharfudeen

... Petitioner/Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
represented by its Special Officer,
Jaffer Sharan Street,
Chennai - 600 001.

2.M.K.N.Madhurasa Trust,
represented by its Secretary,
Admirampattinam,
Pattukkottai Taluk,
Tanjore District.

... Respondents/Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the first respondent to frame a scheme for the appointment of Public Trustees to the second respondent Wakf/Trust for the period commencing from April 2020 to March 2023 before filling up the vacancies to the Board of Trustees in the light of representation of the Petitioner, dated 22.1.2020.

For Petitioner : Mr.Veerakathiravan,
Senior Counsel
for M/s.Veera Associates

For Respondent-1 : Mr.S.A.S.Allaudin
Standing Counsel

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to frame a scheme for the appointment of Public Trustees to the second respondent Wakf/Trust for the period commencing from April 2020 to March 2023 before filling up the vacancies to the Board of Trustees in the light of representation of the Petitioner, dated 22.1.2020.

2.Mr.S.A.S.Allaudin, learned Standing Counsel takes notice on behalf of the first respondent/Wakf Board.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent of both sides, the main Writ Petition is taken up for final disposal.



4. The case of the Petitioner is that the Petitioner's grandfather had established a Trust under the wakf Act, 1985 and as per the scheme of the trust, two hereditary trustees from three branches of the Founder Trustees and three male members from the Muslim Community of Admiramapattinam has to be selected as trustees. Moreover, the Public Trustees should be an educated person and an Income Tax Assessee. As per which, the Petitioner is eligible to be appointed as hereditary trustee. However the first respondent/Wakf has selected candidates who are more than 90 years age and also non income-tax assesses as public trustees of the above trust. Therefore, it is the statutory obligation on the part of the first respondent to frame guidelines/Scheme and qualification for appointment of Public Trustees to the above said trust. In this regard the Petitioner has submitted a representation, dated 22.1.2020 to the first respondent. The same is said to be still pending. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Therefore, without expressing any opinion on the merits of the claim made by the petitioner, the first respondent is directed to consider the representation of the petitioner, dated 22.01.2020 and pass appropriate orders on the same, on merits and in accordance with law, after giving due opportunity of hearing to all the parties concerned, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn
To
The Special Officer,
Tamil Nadu Wakf Board,
Jaffer Sharan Street,
Chennai - 600 001.

+1cc to M/s.Veera Associates, Advocate, SR No.8112

ORDER MADE IN
W.P(MD)No.3671 of 2020

and
W.M.P(MD)No.3100 of 2020
24.02.2020