



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.06.2020

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.6846 of 2020

and

W.M.P. (MD) No.6251 of 2020

M.K.N.Madarasa Trust,
Adhiramapattinam,
Thanjavur District,
rep. by its Secretary,
S.J.Abdul Hassan @ Abul Hassan

...Petitioner

Vs

The Tamil Nadu Wakf Board,
rep. by its Special Officer,
No.1, Jaffer Sirang Street,
VillalSeethakkathi Nagar,
Chennai - 600 001.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider and pass orders on the representations of the petitioner, dated 11.05.2020 and 03.06.2020 to permit the MKN Madarasa Trust at Adhiramapattinam, Thanjavur District to function with the existing trustees as per resolution passed dated 02.05.2020 within the time to be stipulated by this Court.

For Petitioner :Mr.V.K.Vijayaragavan

For Respondent :Mr.S.A.S.Alaudeen

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

2.The Petitioner Trust has filed this writ petition for issuance of writ of Mandamus directing the respondent to consider and pass orders on the representations of the petitioner, dated 11.05.2020 and 03.06.2020 to permit them to function with the existing trustees as per resolution passed dated 02.05.2020 within the time to be stipulated by this Court.



3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and also perused the materials available on record.

4. It is seen from the records that in O.S.No.6 of 1970 a scheme decree was passed wherein it was made clear that the present Board of trustees shall continue in office till new trustees are selected and appointed. In the Civil Revision Petition filed in C.R.P.(MD) Nos.2461 of 2012 etc., batch before this Court, it was made clear that the Tamil Nadu Wakf Board was directed to appoint trustees to the trust in question, strictly in accordance with the directives, contained in the deeds of trust and also keeping in mind the manner in which the Civil Court had handled the question of appointments in the past. The Wakf Board shall complete the exercise and appoint trustees after giving opportunities to all parties concerned within a period of three months from the date of receipt of copy of that order. Till then, the interim arrangement ordered by this Court on 25.02.2013 shall continue to be in force. Accordingly, the existing trustees were continued to be as trustees. Thereafter, the petitioner Trust has passed a circular as per the resolution dated 02.05.2020 wherein the existing trustees were allowed to continue as trustees till new elected members are elected for the trust. The petitioner Trust has sent a representation dated 11.05.2020 to the Special Officer, Tamil Nadu Wakf Board, Chennai praying to permit them to function as per the resolution dated 02.05.2020 and pass further suitable orders.

5. The said representation was received by the Wakf Board. But due to the present lock down owing to COVID - 19 pandemic, they were not in a position to consider the same. Again on 03.06.2020 the petitioner Trust sent a reminder, but the same was also not considered so far.

6. It is stated that the petitioner Trust is running various educational institutions viz., Khadir Mohideen Arts and Science College at Ahidramapattinam, wherein 2000 students are studying; Khadir Mohideen Boys Higher Secondary Shool and Khadir Mohideen Girls Higher Secondary School. In the College, there are 250 teaching staffs and 55 non-teaching staffs are available. That apart, the petitioner Trust is also running a residential Arabic College called "Salahiya Arabic College", wherein 8 teaching and 5 non-teaching staffs are employed. Accordingly, the petitioner stated that the existing Trust has to continue in the Board till new trustees are appointed as per the scheme and prayed to consider their representations.

7. The learned counsel appearing for the respondent would submit that the respondent is ready to consider the representations of the petitioner Trust dated 11.05.2020 and 03.06.2020.



8. In view of the above submission made by the learned counsel appearing for the respondent, this Court, without going into the merits of the case, directs the respondent to consider the representations of the petitioner Trust dated 11.05.2020 and 03.06.2020 and pass orders, on merits and in accordance with law, after providing opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. In the meantime, the existing trustees will continue till the new trustees are appointed.

9. The writ petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

W.P (MD) No. 6846 of 2020

and

W.M.P. (MD) No. 6251 of 2020

18.06.2020

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