



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9713 of 2020

Mohamed Abubacker

... Petitioner

Vs.

The Tamil Nadu Wakf Board,
Rep. by its Executive Officer (FAC),
No.1, Jaffersyrang Street,
Vallalseethakathi Nagar,
Chennai - 600 001.

... Respondent

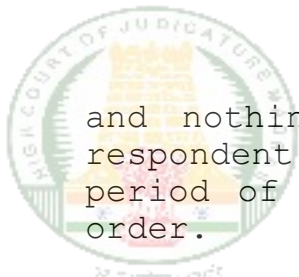
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider representation of the petitioner dated 27.04.2020 and to remove the age limit of 70 years fixed for the Non-hereditary Trustees of the M.K.N. Trust and to allow them to serve without any age restriction on par with hereditary Trustees.

For Petitioner	: Mr.P.Sesubalan Rajd
For Respondent	: Mr.S.A.Ajmal Khan, Standing Counsel.

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned standing counsel appearing for the respondent/Board.

2.The petitioner has given a petition dated 27.04.2020 seeking removal of the age limit of 70 years fixed for non-hereditary trustee of the petition mentioned trust. He would point out that no such age limit has been fixed for the hereditary trustees. But in the scheme, the age ceiling had been incorporated. It has been held that it is only Wakf Board that can modify the scheme. The petitioner had given a petition before the respondent/Board. It is for the respondent/Board to take a call in the matter. The respondent/Board is directed to take a decision in the petitioner's request after putting all the state holders on notice. I make it clear that I have not gone into the merits of the matter. All that I have directed is that the Board will take a decision in the matter



and nothing else. The matter is left to the discretion of the respondent. The respondent/Board shall decide the issue within a period of four months from the date of receipt of a copy of this order.

3.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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CS (25.08.2020) 2P 1C