

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.11153 of 2015 &
M.P.No.2 of 2015 & WMP.No.11153 of 2015

Al-Ameen Service and Charity Trust,
180/6, Cauvery Road,
Karungalpalayam,
Erode - 638 003.

... Petitioner

Vs

1.The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The Superintendent of Wakf,
No.14-15, Mosque Complex,
Avinashi Road,
Uppipalayam,
Coimbatore - 641018.

3.Cauvery Road Burial Ground Wakfs,
Represented by its Hereditary Mutawalli,
48, Gandhiji Road,
Erode - 638 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus calling for the records of the first respondent relating to the impugned proceedings bearing Na.Ka.No.18598/09/A2/Erode dated 26.11.2014 and consequential proceedings in Na.Ka.No.18598/09/A2/Erode dated 09.02.2015 quash the same and forbearing the respondents from claiming any rents/security deposits with respect to the property in possession of the petitioner in Old S.No.589/2, New T.S.No.27, 28, 39 Block 12 Ward D, Karungalpalayam, Erode.

For Petitioner : Mr.R.Gururaj
For Respondent 1 : Mr.V.Lakshmi Narayanan
For Respondent 2 : No appearance
For Respondent 3 : Mr.I.C.Vasudevan

ORDER

This writ petition has been filed challenging the proceedings dated 26.11.2014 of the first respondent.

2. Mr.R.Gururaj, learned counsel for the petitioner, Mr.V.Lakshmi Narayanan, learned counsel for the first respondent and Mr.I.C.Vasudevan for the third respondent.

3. It is represented that compromise has been reached between the petitioner and the third respondent whereby the third respondent has agreed to let out the property to the petitioner on fresh terms and conditions.

4. Mr.V.Lakshmi Narayanan, learned counsel for the first respondent would submit that as per the provisions of section 93 of the Wakf Act, 1995, the compromise will have to be sanctioned by the Wakf Board. Section 93 of the Wakf Act reads as follows:

"Bar to compromise of suits by or against mutawallis.—No suit or proceeding in any court by or against the mutawalli of a wakf relating to title to wakf property or the rights of the mutawalli shall be compromised without the sanction of the Board."

5. In view of the aforesaid provision, the petitioner and the third respondent are directed to approach the Wakf Board by filing an application under section 93 of the Wakf Act, 1995 seeking for sanction of the compromise entered into between the petitioner and the third respondent forthwith and on receipt of the same, the Wakf Board, the first respondent herein shall pass final orders on the said application within a period of three weeks thereafter.

6. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The Superintendent of Wakf,
No.14-15, Mosque Complex,
Avinashi Road,
Uppipalayam,
Coimbatore - 641018.

+1cc to Mr.V.Raghavachari, Advocate Sr.7261

W.P..No.11153 of 2015

jp[col
srg 10/02/2021

सत्यमेव जयते

WEB COPY