



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No. 12081 of 2019

S. Thameem @ Mohamed Thameem Ansari

...Petitioner

Versus

1. Government of Puducherry
Rep by its Secretary - WAQF Puducherry
No.1 and 3, Third Floor, Yanam
Venkatachalam Pillai
Street, Puducherry - 605 001
2. Government of Puducherry
Rep by its Chief Executive Officer-WAQF Puducherry
No.1 and 3, Third Floor, Yanam
Venkatachalam Pillai
Street, Puducherry - 605 001
3. Abdul Lathif Maracair

(R3 impleaded vide order dated
16.12.2020 made in WMP.18780/2020
in WP.12081 /2019)

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to appoint Mutawalli, for Mohideen Abdul Kadir Jeelani Jami Masjid at T.R.Pattinam by exercising powers under Sec.66 of the Wakf Act, 1995.

For Petitioner : M/s.TVJ Associates
for Mr.J.Srinivasa Mohan

For R1 & R2 : Mr.D. Ravichander, AGP (P)

For R3 : Mr.N.A.Nissar Ahmed

O R D E R

The prayer made in this writ petition is to issue a Writ of Mandamus directing the respondents to appoint Mutawali, for



Mohideen Abdul Kadhira Jeelani Jami Masjid at T.R.Pattinam by exercising powers under Sec.66 of the Wakf Act, 1995.

2. According to the petitioner, he is a resident of T.R. Pattinam and with a benign interest, he had sought for appointment of Muthavalli for Mohideen Abdul Kadhira Jeelani Jami Masjid at T.R.Pattinam inasmuch as the tenure of the existing Muthavallis expired long back. As per the Wakf Act, Muthavallis are to be appointed by the Wakf Board and as of now, the Board is not functional. As per Section 66 of the Wakf Act, Central Government (Union territory in this case) has the power to appoint muthavallis in the absence of Board and in light of the same, he had made a representation to the respondents to exercise the power under Section 66 of the Wakf Act in appointment of muthavallis. However, it is stated that the respondents expressed their unwillingness to appoint Muthavalli in the absence of a court order. In such circumstances, the petitioner has come up with this writ petition for the relief stated above.

3. Today when the matter is taken up for consideration, a Joint Memo of Compromise has been filed before this Court, signed by the petitioner and the second respondent and also by their respective counsel. It is taken on record. The relevant portion of the said Memo of Compromise read as follows:

"(2) It is hereby amicably agreed between petitioner and second respondent to request the first respondent Secretary to Government (Wakf) to appoint T.Mohamed Jahir Husain, S/o. Mohamed Tajudeen, aged 51 years, residing at No.3, 2nd Cross, Hussain Nagar, Kamaraj Salai Extension, Karaikal - 609 602 as Member of the Wakf Board in the Union Territory of Puducherry under Mutawalli category."

4. Recording the Joint Memo of Compromise entered into between the parties dated 07.07.2021, the present writ petition is disposed of. The Memo of Compromise dated 07.07.2021 shall form part of this order. No costs.

(*Joint Memo compromise enclosed)

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



av/rsh

To

1. The Secretary - WAQF Puducherry
Government of Puducherry
No.1 and 3, Third Floor, Yanam
Venkatachalam Pillai Street,
Puducherry - 605 001
2. The Chief Executive Officer-WAQF Puducherry,
Government of Puducherry
No.1 and 3, Third Floor, Yanam
Venkatachalam Pillai Street,
Puducherry - 605 001

+1 cc to M/s.N.A.Nissar Ahmed,Advocate Sr.No. 49324
+1 cc to Mr.J.Srinivasa Mohan,Advocate Sr.No.49196
+1 cc to the Government Pleader, Sr.No.49865

WP No. 12081 of 2019

NMI [co]
NSK 25/10/2021