



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.13636 of 2019

Z. Shahul Hameed

...Petitioner

Versus

1. The Tamilnadu Waqf Board
Rep by its Chief Executive Officer
No.1, Jaffer Syrang Street
Mannady, Chennai - 600 001

2. The Waqf Superintendent
Cuddalore District
512, Gandhi Road
Panrutti
Cuddalore

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to implement the order passed by the 1st respondent in Na.Ka.No. 610/19/AA4/CUD dated 04.03.2019 and thereby to assume charges as Executive Officer of the Sholavalli Mosque Waqf

For Petitioner : Mr.MM.I.Khaleel

For Respondents : Mr.S. Haja Mohideen Gisthi for R1

O R D E R

The present petition has been filed for issuance of Writ of Mandamus seeking to direct the second respondent to implement the order passed by the first respondent in Na.Ka.No. 610/19/AA4/CUD dated 04.03.2019 and thereby, to assume charges as Executive Officer of the Sholavalli Mosque Waqf.

2. The petitioner claims that he is a resident of Nellikuppam and offers his prayer in the Sholavalli, Chinnatheru Pallivasal Waqf, which is surveyed and a notified Mosque having G.S. No. 133/SA. According to the petitioner, the said Mosque is mismanaged by its committee members and the jammathar's have



been complaining from time to time about the same to the first respondent, which was not taken into consideration. Aggrieved by the same, he approached this court by way of filing a Writ Petition in W.P.No. 1352 of 2019 to direct the Waqf Board to conduct an enquiry in that regard and this court vide an order dated 22.01.2019 directed the first respondent therein to conduct the enquiry in respect of the representation submitted by the petitioner herein and pass orders within a period of four weeks from the date of receipt of that order. In compliance of the said order, the first respondent conducted a detailed enquiry and passed orders in Na.Ka.No.610/19/AA4/Cud dated 04.03.2019 conforming the charges on the committee members and ordered to hand over all management details and affairs of the Waqf to concerned authorities of the Mosque and also directed the second respondent to assume charges of the Sholavalli Mosque Waqf immediately in order to full fill the objects of the Waqf in day to day affairs. However, the second respondent has not assumed charges as directed in the proceedings of the first respondent dated 04.03.2019. In view of that, the petitioner sent a representation to the first respondent on 05.04.2019 and the said representation is still pending on the file of the first respondent without consideration. Aggrieved against such inaction, the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue direction to the second respondent to implement the order dated 04.03.2019 passed by the first respondent.

4. Heard Learned Counsel appearing on either side and perused the materials placed on record.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing on either sides, this Court directs the second respondent to implement the order of the first respondent dated 04.03.2019 within a period of four weeks from the date of receipt of a copy of this order, if there is no legal impediment.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



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To

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1. The Chief Executive Officer
The Tamilnadu Waqf Board
No.1, Jaffer Syrang Street
Mannady, Chennai - 600 001
2. The Waqf Superintendent
Cuddalore District
512, Gandhi Road
Panrutti
Cuddalore

WP No. 13636 of 2019

SPD[col]
NSK 07/12/2021