

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14086 of 2020

Nari Akbar Basha ... Petitioner

Vs

1. The Tamil Nadu Waqf Board,
rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Seetha Kathi Nagar,
Chennai - 600 001.
2. The Tamil Nadu Waqf Board Vellore Zone,
rep. by its Zonal Superintendent,
No.8, Bhadur Shah Masjid,
Arni Road, Sayeenathapuram,
Vellore - 632 001.
3. T.Abdul Waheed
4. Cholvaram Fayaz Ahmed
5. K.Fazlur Rahman
6. Nattikar Ameer Basha ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to call for the records on the file of the third respondent and take back the waqf property by cancelling the lease agreement dated 1.1.2020 and consequently direct the first respondent to take suitable action against respondents 3 to 6 removing them from the ad hoc committee and restraining them from competing in the future administrative elections of Thotipetra mosque waqf Vaniyambadi.

For Petitioner

: Mr.B.Ram Prasanth

For Respondents

: Mr.V.Lakshminarayanan
for respondent Nos.1 and 2

ORDER

(Order of the Court was made by
SENTHILKUMAR RAMAMOORTHY,J.)

The petitioner complains about a lease deed dated 1.1.2020 and prays for the cancellation of the said lease deed and for suitable action against respondents 3 to 6.

2. It is evident that several disputed questions of fact are involved in the dispute raised by the petitioner and the same cannot be examined by affidavit evidence in a writ petition. It is also stated that a representation dated 5.2.2020 has been submitted by the petitioner to the Tamil Nadu Waqf Board and that the enquiry in relation thereto could not be concluded on account of the COVID-19 pandemic.

3. Learned counsel for the Waqf Board submits that the representation would be considered and disposed of by a speaking order if sufficient time is granted.

4. Accordingly, without examining the merits or the tenability of the representation submitted by the petitioner, the Tamil Nadu Waqf Board is directed to consider and dispose of the said representation by a speaking order within a period of twelve weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all affected parties, including those listed in page 39 of the typed set of papers. In the event the petitioner is aggrieved by such decision, it is open to the petitioner to pursue his remedies in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in that regard.

W.P.No.14086 of 2020 is disposed of. No costs.
Consequently, W.M.P.No.17482 of 2020 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Seetha Kathi Nagar,
Chennai - 600 001.
2. The Zonal Superintendent,
Tamil Nadu Waqf Board Vellore Zone,
No.8, Bhadur Shah Masjid,
Arni Road, Sayeenathapuram,
Vellore - 632 001.

+1cc to Mr.V.Ragavachari, Advocate SR.No. 7259

W.P.No.14086 of 2020

A.SK(22.02.2021).



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