



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17184 of 2021

N.A.Ansardeen

... Petitioner

Vs

1. The Tamil Nadu Wakf Board,
Rep.by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Chief Executive Officer
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Superintendent of Wakf,
Office of Superintendent of Wakf
Thanjavore Zone,
No.27, Diwan Nagar, Court Road,
Thanjavore District - 613 001.
4. Janab N.M.A.Sihabudeen
S/o. Abdul Hameed
No.5/14, Khader Oil Abdullahnagar,
Latchumangudi, Koothanallur,
President/Muthavalli,
Koothanallur Periyapallivayil (G.S.No.94)
Madarasa Faizul Bakiyat (G.S.No.85)
Khadimul Islam Dharma Sabai (G.S.No.79),
Koothanallur - 614 101.
Tiruvavarur District.
5. Janab J.M.A.Sheik Abdul Khader,
S/o Abdul Jabbar,
Secretary,
Koothanallur Periyapallivayil (G.S.No.94)
Madarasa Faizul Bakiyat (G.S.No.85)
Khadimul Islam Dharma Sabai (G.S.No.79),
Koothanallur - 614 101.



Tiruvavarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the first respondent to assume direct management of Koothanallur Periyapallivayil (G.S.No.94), Madarasa Faizul Bakiyat (G.S.No.85) and Khadimul Islam Dharma Sabai (G.S.No.79) on the basis of petitioner's representation dated 18.01.2021 and wakf petition dated 27.07.2021.

For Petitioner : A.Abdul Rahman

O R D E R

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the first respondent to assume direct management of Koothanallur Periyapallivayil (G.S.No.94), Madarasa Faizul Bakiyat (G.S.No.85) and Khadimul Islam Dharma Sabai (G.S.No.79) on the basis of petitioner's representation dated 18.01.2021 and wakf petition dated 27.07.2021.

2. The petitioner is a resident of Koothanallur. According to the petitioner, there is a common mosque in Koothanallur for worship of all the Muslims and it is a very ancient Mosque, known as Koothanallur Periyapallivayil (G.S.No.94), Madarasa Faizul Bakiyat (G.S.No.85) and Khadimul Islam Dharma Sabai (G.S.No.79). The election for the mosque was conducted on 28.09.2016 in which the fourth and fifth respondents were elected for a period of three years. It is the contention of the petitioners that inspite of the expiry of the tenure, the fourth and fifth respondents continue to hold the office of the President/Secretary of Koothanallur Periyapallivayil (G.S.No.94), Madarasa Faizul Bakiyat (G.S.No.85) and Khadimul Islam Dharma Sabai (G.S.No.79). The specific grievance of the petitioner is that the property belonged to the Mosque at Triplicane, Chennai is spread over several acres, however, the fourth and fifth respondents purportedly allowed third parties to encroach upon the property belonged to the mosque. The petitioner therefore submitted a Wakf Petition on 18.01.2021 followed by a written representation on 27.07.2021 to the first and second respondent and a copy of it was also marked to the third respondent. However, the representation dated 27.07.2021 has not been considered so far. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and perused the materials placed on record. Admittedly, the representation dated 27.07.2021 submitted by the petitioner to the respondents 1 and 2 has not been acted upon and it is pending. Therefore,



this Court directs the second respondent to consider the representation dated 27.07.2021 of the petitioner, afford an opportunity of hearing to the petitioner as well as the fourth and fifth respondents, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1. The Chairman,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Chief Executive Officer
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Superintendent of Wakf,
Office of Superintendent of Wakf
Thanjavore Zone,
No.27, Diwan Nagar, Court Road,
Thanjavore District - 613 001.

W.P.No.17184 of 2021

RP(CO)
HS(24/08/2021)