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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. NO. 22700 OF 2021

Mr.S.L.Syed Ali
Son of Late. Syed Lathifudeen
Hereditary Muthawalli
Hazrath Syed Badruddin Shahid Dargah & Mosque
No.106, Dargah Road
Zamin Pallavaram
Chennai - 600 043

...Petitioner

Versus

- 1.The Chairman,
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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioner's representation dated 26.07.2021.

For Petitioner : Mr. R. Deepak

O R D E R

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to consider his representation dated 26.07.2021.

2. According to the petitioner, he is the hereditary trustee of Hazrath Syed Badruddin Shahid Dargah & Mosque, Pallavaram, Chennai, which is registered and notified as a Wakf by the first respondent. It is stated that the rule of



succession to the office of Muthawalli is hereditary by custom. The petitioner would contend that in the year 1992, an order was passed by the first respondent to take over the direct management of the above Wakf and also appoint an Executive Officer to manage the Wakf. Challenging the same, the petitioner's father filed WP No. 5817 of 1992 and it was allowed by this Court on 26.04.2000. In spite of the order dated 26.04.2000, the first respondent has not revoked order passed to take over the wakf under direct management. Taking advantage of the above situation, one Mr. Kasim, who is in no way connected with the hereditary family, has obtained an order for constitution of adhoc committee to manage the wakf for one year. During this period, the above Kasim along with others had indulged in mismanagement of the properties of the wakf. Pointing out the various irregularities, the petitioner, as a Hereditary Muthawalli, has submitted a representation to the respondents on 26.07.2021. However, there was no response and therefore, he is before this Court with this writ petition.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. Having regard to the above facts and circumstances of the case, this Court, without expressing any opinion as to the grievances expressed by the petitioner in his representation dated 26.07.2021, directs the second respondent herein to consider the representation dated 26.07.2021 of the petitioner, conduct an enquiry, afford an opportunity of hearing to the petitioner and others and thereafter pass an order on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1.The Chairman,
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.

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W.P.No.22700 of 2021

SPD (CO)
RVM(26/11/2021)