



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.16954 OF 2014

AND

M.P.NOS.1 AND 2 OF 2014

K.Mahmood Hussain

... Petitioner

.Vs.

1. The Tamil Nadu Wakf Board,
Represented by its Chairman,
No.1, Jaffer Syrang Street,
Chennai - 600 001.
2. The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Chennai - 600 001.
3. Janab Mohamed Mujibur Rahman
4. Janab Mohamed Ubaidur Rahman
5. Janab Mohamed Naimur Rahman
6. Janab Nooruddin
7. Janab M.I.Mohamed Yusuf
8. Janab A.Shafiullah
9. Janab Shaikh Hyder

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 18.02.2014 in NaKa No.13499/06/A6/ Chennai and quash the same, and consequently direct the first respondent to issue a fresh publication inviting fresh applications and then consider the qualifications and eligibility of the applicants after giving due opportunity to the other applicants to file their objections and then pass orders appointing the mutawallis in accordance with the Wakf Nama dated 30.01.1877 and the Codicil dated 02.02.1877 and the Scheme Decree dated 10.02.1941 in O.S.63/1940 on the file of the Sub Judge, Chenglepet.



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For Petitioner : Mr.T.S.Baskaran
For R1 & R2 : Mr.V.Lakshminarayanan
For R3 to R5 : Mr.R.Bharanidharan
For R6 : Mrs.Shaik Mehrunisa

O R D E R

(Through Video Conferencing)

The writ on hand is filed challenging the validity of the order passed by the 1st respondent, dated 18.02.2014, and it is an admitted fact that the period of the post even as per the impugned order was three years from the year 2014. The period of three years expired in the year 2017 and thereafter, it was extended till 2019 and the said period also has expired.

2. The grievance of the petitioner is that, even after the expiry of the period, the holders of the post are allowed to continue and it is an illegal continuance and therefore, the writ petition is to be considered.

3. This Court is of the considered opinion that the order under challenge in the present writ petition is the one wherein the persons were appointed for a period of three years and the period of three years expired in the year 2017 itself and thereafter, it was extended till 2019 and it has also expired. If at all any illegal continuance is allowed by the respondents, it is for the petitioner to initiate appropriate proceedings against such alleged irregularities or illegalities in the manner known to law. With reference to the grounds raised in the present writ petition regarding the order impugned, no further adjudication needs to be entertained. Further continuance is to be construed as a new cause and the petitioner is at liberty to agitate the same in the manner known to law.

With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jeni/mkn



To

1. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Chennai - 600 001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Chennai - 600 001.

+1cc to Mr.T.S.Baskaran, Advocate, S.R.No.55667

W.P.NO.16954 OF 2014

RP(CO)
PBS/22/11/2021