



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.24588 of 2021

S.Muhsina

...Petitioner

-Vs-

1. Nagore Dargah

Now represented by the
Adhoc Board of Administrators
Nagore Dargah Office, Nagore-611 002.

2. The Manager

Nagore Dargah Office
Nagore - 611 002.

3. The Tamil Nadu Waqf Board

Rep.by its Chief Executive Officer
Jaffer Syrang Street, Vallal Seethakkathi Nagar
Chennai - 600 001.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd and 1st respondent to consider petitioner's representation dated 15.06.2021 and 13.06.2021 and release the share amount / kasu pagundhar which is due for the financial year (2020-2021) within a stipulated time.

For Petitioner :Ms.Ajmath Begum for
Mr.Muruganantham

For Respondents: Mr.V.Lakshminarayanan,
Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 3rd and 1st respondent to consider petitioner's representation dated 15.06.2021 and 13.06.2021 and release the share amount / kasu pagundhar which is due for the financial year (2020-2021) within a stipulated time.



2. The petitioner claims that the petitioner is one of the beneficiary to get a share from the first and second respondents ie., Nagore Dargah every year out of anything excess after spending the expenses incurred for the running of the Dargah, to various people numbering more than 600. However, it is the grievance of the petitioner that, for the past one year, due to COVID-19 situation, the respondent Dargah has not come forward to give the share to any of the eligible persons like the petitioner as per the claim and therefore, in order to get the share, the petitioner has given a representation to the respondents on 13.06.2021 and despite the said representation, since nothing was forthcoming from the respondents, he has moved this writ petition with the aforesaid prayer.

3. Reiterating the aforesaid, the learned counsel for the petitioner seeks the indulgence of this Court to give suitable directions to the respondents.

4. Mr.V.Lakshminarayanan, learned Standing Counsel appearing for the respondents, on instructions would submit that, due to the COVID-19 situation for the past more than one year, there has been no actual revenue for the respondent Dargah, with the result, there is a deficit budget of Rs.21 lakhs and therefore, there is no question of giving any excess amount to the persons like the petitioner as per the scheme and that is the reason why no share has been given for the past one year to any such person like the petitioner.

5. I have considered the submissions made by the learned counsel on either side and have perused the materials placed on record.

6. Whatever the stand of the respondents as stated by the learned Standing Counsel appearing for the respondents, be that as it may. Now the petitioner wants her request to be considered and a decision to be taken accordingly whether the petitioner and similarly placed persons would be entitled to get anything by way of share for the past one year would be known and that is why the petitioner wants her representation to be considered. Therefore, this Court feels that this writ petition can be disposed with the following order.

7. That there shall be a direction to the first respondent to consider the representations of the petitioner dated 13.06.2021 and 15.06.2021 on merits and in accordance with law and pass orders within a period of four weeks from the date



of receipt of a copy of this order and communicate the same to the petitioner.

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

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

KST

To

1. Nagore Dargah
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2. The Manager
Nagore Dargah Office
Nagore - 611 002.
3. The Chief Executive Officer
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Jaffer Syrang Street, Vallal Seethakkathi Nagar
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+1 CC to Mr.V.Raghavchari, Advocate sr 59741
+1 CC to Mr.A.Ajimath Begum, Advocate sr 59396.

W.P.No.24588 of 2021

SSD(CO)
SP(01/12/2021)