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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.26437 of 2021

Nagore Dargah Sahibmargal Sangam
(SRG/Nagai/50/2021)

represented by its Secretary,
Mohamed Ghouse Sahib,
S/o. Syed Mohamed Sahib,
2/37, Kalmattu Street,
Nagore - 611 002,
Nagapattinam District.

... Petitioner

vs.

1. The Adhoc Board of Administrators,
Nagoor Dargah,
Nagore Dargah Office,
Nagore - 611 002.

2. The Manager,
Nagore Dargah Office,
Nagore - 611 002.

3. Tamil Nadu Wakf Board,
rep. by Chairman,
1, Zaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st and 3rd Respondents to consider the Petitioner's representation dated 17.09.2021 and 15.10.2021 vide Letter No.Na/Tha/saa/sa-3/2021 and Letter No.Na/tha/saa/sa-7/2021 within a stipulated time and thereby direct them to take necessary steps to fulfil the request of the Petitioner in the interest of Sahibmars.

For Petitioner : Ms.A.Ajimath Begam

For Respondents 1 & 2 : No appearance

For 3rd Respondent : Mr.Haja Mohideen Gisthi



O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 1st and 3rd Respondents to consider their representations dated 17.09.2021 and 15.10.2021 within a stipulated period, thereby direct them to take necessary steps to fulfil their request in the interest of Sahibmars.

2. Learned counsel for the Petitioner submitted that, as per clause 3 of the Nagore Dargha Scheme, the shareholders are entitled to a share in the income to the Wakf and hence, the Board of Trustees of Nagore Dargah sent a representation to the 1st Respondent on 14.06.2021 to issue a share amount on time. On 17.09.2021, Nagore Dargah Sahibmargal Sangam directly handed over a representation to the 1st Respondent, mentioning all the issues. Thereafter, on 15.10.2021, the Petitioner sent a representation to the 3rd Respondent through Registered Post. However, the same has not been considered till date. Hence, the learned counsel prayed that a direction may be issued to the 1st and 3rd Respondent for release of benefits in favour of the Petitioner Sangam.

3. Learned counsel appearing for the 3rd Respondent/Wakf Board submitted that, the Petitioner's representation will be considered in the manner known to law and appropriate direction may be issued to the 1st Respondent herein for payment of benefits to the Petitioner Sangam, if applicable.

4. Taking note of the submissions of the learned counsel on either side and considering the facts and circumstances of the case, this Court directs Respondents 1 and 3 herein to consider the Petitioner's representations dated 17.09.2021 and 15.10.2021 for release of benefits in favour of their Sangam, after affording an opportunity of hearing to the parties and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To:

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The Chairman,
Tamil Nadu Wakf Board,
1, Zaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

+1cc to Ms.A.Ajimath Begam, Advocate, S.R.No.66249

W.P.No.26437 of 2021

JPL[co]
NSK 27/12/2021