



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)No. 11252 of 2012

and

W.M.P. (MD) No. 3 of 2012

WEB COPY

1. N. Mohammed Kasim
2. P. Abdul Majeed
3. M. Khadar Mydeen
4. V. Syed Ibrahim
5. Abdul Rasaq
6. N. Sait
7. M.K. Mohamed Rafeeq
8. R. Mumtaj Begum
9. A. Sheik Abdulla
10. M. Kallifulla
11. S. Faizaldeen
12. A. Rafeeq Mohammed
13. N. Aisha Beevi
14. M. Khadar Hussain
15. A. Abubucker
16. M. Shahul Hameed
17. A. Fakrudin
18. E. Abdul Salam
19. P. Peer Mohammed
20. E.Rahamathulla
21. J. Nilofar Nisha
22. A. Raja Mohammed
23. A. Kalifulla
24. P. Abdul Majeed
25. A. Abdullah
26. P. Siddique Raja
27. M. Abdul Kabur

... Petitioners

Vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Mannadi,
Chennai.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Superintendent of Police,
Thanjavur District,
Thanjavur.



4. The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
5. The Deputy Superintendent of Police,
Pattukottai,
Thanjore District.
6. The Inspector of Police,
Town Police Station,
Pattukottai,
Thanjavur District.
7. Mohaideen Andavar Pallivasal,
Pallivasal Street,
Pattukottai,
Represented by its Trustee.
8. M.A. Amanullah,
Muttawalli,
Mohaideen Andavar Pallivasal,
Pattukottai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the first respondent to forbear the 7th respondent from ex-communicating the petitioners and their families in furtherance of the resolution dated 02.06.2012 and consequentially take action against the respondent Nos. 7 and 8 under the Wakf Act, 1995 within the period that may be stipulated by this court.

(Prayer amended as per the order dated 27.08.2012)

For Petitioner	:	No appearance
For Respondents	:	Mr. K.K. Senthil Standing Counsel for R1 Mr. M. Lingadurai, Learned Special Government Pleader, for R2 to R6 R7- No appearance.

ORDER

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 09.12.2021, 16.12.2021 and 17.12.2021, which reads as follows:

'09.12.2021:

*Mr.B.Subhash, learned counsel representing
the counsel on record for 27 writ petitioners,
Mr.K.K.Senthil, learned Standing Counsel for*



first respondent and Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 2 to 6 (official respondents) are before me. Respondents 7 and 8 (private respondents) have entered appearance through a private counsel and names of the private counsel (Ms.U.Vidhya and co-counsel) are shown in the cause list but there is no representation.

2. Learned counsel representing the counsel on record for writ petitioner submits that papers have been returned to the writ petitioners. Registry to verify if any new counsel has entered appearance for the writ petitioners. If that not be so, Registry to show the names of 27 writ petitioners in the next listing.

3. List one week hence.

4. List on 16.12.2021.'

'16.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 09.12.2021.

2.Today, Mr.K.K.Senthil, learned Standing Counsel for Tamil Nadu Waqf Board on behalf of first respondent and Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 2 to 6 are before me. There is no representation for writ petitioners and respondents 7 and 8 [private respondents].

3.Be that as it may, pursuant to my earlier proceedings dated 09.12.2021, the names of 27 writ petitioners as shown in the cause list today. This Court is informed that no new Counsel has entered appearance on behalf of the writ petitioners, with the intention of giving one more opportunity to the writ petitioners, Registry to list this matter in the same manner [showing the names of writ petitioners] tomorrow again.

4.List on 17.12.2021. '

'16.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 09.12.2021 and 16.12.2021.

2. Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 2 to 6 [official respondents] and Mr.K.K.Senthil, learned Standing Counsel for Tamil Nadu Waqf Board on behalf of first respondents are before me.



3. Pursuant to aforesaid proceedings names of all 27 writ petitioners are shown in the cause list but there is no representation. To be noted this Court is informed that the writ petitioners have not entered appearance through any new Counsel. However, with the intention of giving one more opportunity to the writ petitioners captioned matters will be listed again but that listing will be peremptory and it will be under the caption 'FOR DISMISSAL'.

4. List on 21.12.2021, under the cause list caption 'FOR DISMISSAL'.

2. Pursuant to the aforementioned earlier proceedings made in the previous listing on 17.12.2021 captioned matter is listed today under the cause list caption 'FOR DISMISSAL'. Notwithstanding such listing, the position is no different today. In other words, there is no representation for the writ petitioners but Mr. M. Lingadurai, learned Special Government Pleader on behalf of respondents 2 to 6 (Official respondents) and Mr. K. K. Senthil, learned Standing counsel for Tamil Nadu Waqf Board on behalf of first respondent are before me.

3. From the proceedings made in the earlier three listings, it comes to light that this is the fourth successive/consecutive listing in which the writ petitioners have not come forward to pursue the captioned matter. The consequence is, captioned writ petition and captioned miscellaneous petition therein are dismissed for default as this court is of the considered view that adequate and ample opportunities have been given to the writ petitioners. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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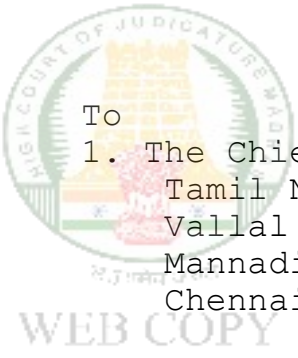
/ /2022

Sub Assistant Registrar(CS)

Mnr

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Mannadi,
Chennai.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Superintendent of Police,
Thanjavur District,
Thanjavur.
4. The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
5. The Deputy Superintendent of Police,
Pattukottai,
Thanjore District.
6. The Inspector of Police,
Town Police Station,
Pattukottai,
Thanjavur District.

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-39774[F] dated 21/12/2021)
W.P (MD) No. 11252 of 2012
and
W.M.P. (MD) No. 3 of 2012
21.12.2021

RK (04/01/2022) 5P 8C