



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.3207 of 2021

WEB COPY

A.Yusuf

... Petitioner

-vs-

1.The Chief Executive Officer,
Tamilnadu Wakf Board,
1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2.The Inspector of Wakfs,
(Tirunelveli, Kanyakumari and Tuticorin),
Tirunelveli.

3.Janab Masklam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to appoint an Executive Officer to manage the affairs of the Kuthba Mosque, Muslim Street, Kanyakumari, considering the representation of the petitioner 30.01.2021.

For Petitioner : Mr.RM.Arun Swaminathan

For R2 : Mr.S.A.Ajmal Khan

ORDER

According to the petitioner, he is a member of Kanyakumari Muslim Jamath and his complaint is that the properties, which are under the control of the respondents 1 and 2, have been unlawfully dealt with against the interest of the Jamath. According to the petitioner, there is no elected Management Committee and the 3rd respondent, with the support of the present in-charge, claims himself as the Management Committee and has been threatening the members with excommunication action.

2.In the above said circumstances, the petitioner is before this Court seeking issuance of writ of mandamus, directing the respondents to appoint an Executive Officer to manage the affairs of the Kuthba Prayer Mosque, Muslim Street, Kanyakumari, by considering his representation, dated 30.01.2021.



3.This Court is not inclined to entertain the writ petition for more than one reason. First of all, this Court cannot issue any direction as prayer for by the petitioner on the basis of the bald and self-serving averments of the petitioner. The writ petition appears to have been filed by the petitioner in order to redress his personal grievance and certainly, no mandamus could be issued at the instance of the petitioner herein. In any event, there are multiple remedies available under the Wakf Act and the petitioner can avail the remedies, in case, he has any legitimate grievance against the handling of Jamath properties by the present in-charge. Without exhausting the remedies under the Act, it is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and seek its intervention.

4.It is needless to mention that in a dispute like this, proper course for the petitioner is to avail the remedies under the Wakf Act, as the authority under the Wakf Act is the most competent person to evaluate the claim of the petitioner and the counter claim of the respondents in the decision making process. This Court cannot be approached directly, without availing such remedies, which are effective and real.

5.For the aforesaid reasons, this Court finds that the writ petition is not maintainable and accordingly, the same stands dismissed. No costs.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

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