



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.18364 of 2020

and

W.M.P. (MD)Nos.15342 and 15343 of 2020

WEB COPY

J.Sikkandar Batcha @ Althaf

: Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirank Street,
Vallal Seethakathi Nagar, Chennai - 600 001.

2.The Superintendent of Wakf Board,
No.1, Town Hall Road, Madurai Circle,
Madurai.

3.Janab S.Kamarudeen

4.Janab Y.Osirkhan

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 1st Respondent vide his Proceedings in Se.Mu.Order No.7628/19/Aa8/Madurai, dated 20.05.2020 and quash the same as illegal and consequently directing the Respondents No.1 and 2 to select the Managing Trustee (Muthavalli) of the Hazrat Sulthan Sikkandar Badusha Avullia Dargah, Thirupparankundram, Madurai District from the Members of Haqdar Families of 1st Karais/ Pangalies by following the existing practice.

For Petitioner

: Mr.J.Lawrance

For R1 and R2

: Mr.S.A.Ajmal Khan

ORDER

Heard the learned Counsel on either side.

2.The subject matter pertains to affairs of the petition mentioned Pallivasal. The stand of the petitioner is that the Board of Management comprises of five trustees and that they are selected from five branches on hereditary basis. His grievance is that ignoring the hereditary character, election has now been ordered to be held.

3.I am of the view that the issue involved in this Writ Petition can be resolved before the Waqf Tribunal. Therefore, I dispose of the Writ Petition by relegating the petitioner to move



the Waqf Tribunal. The petitioner has agreed to file an appropriate petition before the Waqf Tribunal within a period of one week from the date of receipt of a copy of this order. It is open to the petitioner to apply for interim relief also.

4.The learned Wakf Tribunal is requested to dispose of the interim application within a period of four weeks, after it is numbered. Till the Waqf Tribunal takes a call in respect of the interim application, the respondents 1 and 2 will not go ahead with the present proceedings. If the petitioner fails to move the Wakf Tribunal within a period of one week, then the benefit of this order will go automatically and it is open to the respondents 1 and 2 to proceed from the stage from where it is left. I make it clear that I have not gone into the merits of the matter.

5.The Writ Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

+1 CC to M/s.J.LAWRANCE, Advocate (SR-1927[F] dated 22/01/2021)

+1 CC to M/s.R.GANESAN, Advocate (SR-2074[F] dated 25/01/2021)

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-1965[F] dated 25/01/2021)

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(MJ)CO

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