



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.21434 of 2021

I.Shahul Hameed

... Petitioner

Vs.

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

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Kanyakumari District.

3.Malik Dinar Mosque Jamath,
Rep. Through its President,
Pon Arippu Street,
Kottar Post, Nagarcoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the 1st respondent to direct the 3rd respondent to conduct the regular prayers and other religious obligations as per the practice of Sunnathul Jamath Customs in Malik Dinar Mosque Jamath Pallivasal as per the Proforma of the 3rd respondent in Register No.4/kk/18kk/A2/1957, consequentially directing the 2nd respondent to monitor the same by considering the petitioner's representation dated 28.08.2021, within the period stipulated by this Court.

For Petitioner	:	Mr.A.Haja Mohideen
For Respondents	:	Mr.K.K.Senthil, Standing Counsel for R1 & R2

O R D E R

'Malik Dinar Mosque, at Pon Arippu Street, Kottar, Nagarcoil, Kanyakumari District' (hereinafter 'said wakf' for the sake of convenience and clarity) is the nucleus of the captioned main writ petition.



2. Mr.A.Haja Mohidden, learned counsel for writ petitioner submits that the said wakf is a public wakf, adverting to the proforma forming part of records of first respondent, learned counsel submitted that prayers and other practices *inter alia* touching upon worship are not being followed as adumbrated in the proforma (qua said wakf) of the Wakf Board.

3. Mr.K.K.Senthil, learned Standing Counsel who accepts notice on behalf of the respondents 1 and 2 points out that new office bearers qua said wakf have assumed office only on 31.07.2021 after elections were held on 28.07.2021. This Court is informed that a new administrative committee consisting of 13 members has been elected and put in place.

4. Learned counsel for writ petitioner submits that writ petitioner, who is a member of said wakf has sent a representation dated 28.08.2021 to the first respondent. Learned Standing Counsel for Tamil Nadu Wakf Board points out that the writ petitioner should first to approach the Committee of Management which has been put in place in July of 2021 but the writ petitioner has jumped the gun.

5. Faced with the above situation, learned counsel for writ petitioner submitted that he will approach the third respondent and his rights to pursue the matter further in this direction may please be preserved. This request is acceded to. As this order is not adverse to the third respondent and it does not in any manner affect the rights and possible contentions of the third respondent, captioned writ petition is taken up with the consent of learned counsel on both sides and the same is disposed of.

6. Captioned writ petition is disposed of as closed leaving it open to the writ petitioner to approach the third respondent *inter alia* by making a representation qua the request / grievance which the writ petitioner is articulating in the captioned writ petition. Though obvious it is made clear that this Court has not expressed any view or opinion on the merits of the matter. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

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

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Kanyakumari District.

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-37262[F] dated 03/12/2021)

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USK (17.12.2021) 3P 4C