



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P(MD) .No.22427 of 2017

and

W.M.P(MD) .Nos.15002 of 2020 and 18742 of 2017

WEB COPY

Kaleel Rahman

... Petitioner

-Vs-

1.Tamil Nadu Wakf Board

rep. by its Chief Executive Officer,
No.1, Jaffer Sirang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.Anchuvannam Peer Mohammadia Muslim

Association Jamath,
Thuckalay, Kalkulam Taluk,
Kanyakumari District through its
Executive Officer,
The Superintendent of Wakfs,
Madurai, Ramnad, Tirunelveli Division,
No.54/15, S.N.High Road,
Tirunelveli - 627 001.

3. Mohammed Hyder Ali

... Respondents

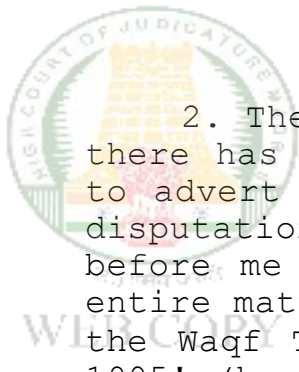
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to run the administration and management of Anchuvannam Peer Mohammadia Muslim Association Wakf and conduct election within the time which this Court may find convenient and reasonable.

For Petitioner : M/s.S.G.Rajkumar for
Mr.G.PRabhu Rajadurai

For Respondents : Mr.G.Chandrasekar,
Standing Counsel for R1 & R2
Mr.S.Anand Chandrasekar for R3
Mr.R.Maheswaran
for (implead petition)

O R D E R

A Waqf which shows by the name 'Anchuvannam Peer Mohammadia Muslim Association Jamath at Thuckalay, Kalkulam Taluk, Kanyakumari District' (hereinafter 'said Waqf' for the sake of convenience and clarity) is the subject matter of captioned main writ petition and election of a President for administration of said Waqf is the central theme of the captioned main writ petition.



2. The factual matrix in the case on hand brings to light that there has been a barrage of petitions but it may not be necessary to advert to the same and dilate on those details as there is no disputation or disagreement before this Court between the counsel before me that the Waqf Tribunal at Chennai is now in seizin of entire matter vide W.O.P.No.184 of 2020 which has been presented in the Waqf Tribunal *inter alia* under Section 83 of 'the Waqf Act, 1995' (hereinafter 'said Act' for the sake of brevity, convenience and clarity).

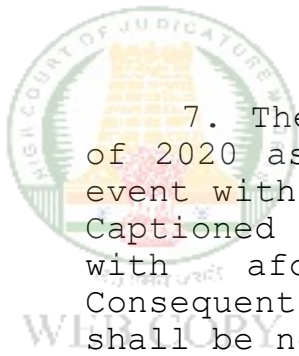
3. To be noted, Mr.G.Prabhu Rajadurai, learned counsel for the writ petitioner, Mr.G.Chandrasekar, learned Standing Counsel for Tamil Nadu Waqf Board on behalf of respondents 1 and 2, Mr.S.Anand Chandrasekar of M/s.Sarvabhauman Associates on behalf of third respondent (private respondent) and Mr.R.Maheswaran, learned counsel for petitioner in the implead petition (W.M.P(MD).No.15002 of 2020) are before this Court.

4. As there is no disputation as between the counsel before this Court that the Waqf Tribunal is now in seizin of the aforementioned central theme of the lis in the captioned writ petition vide aforementioned proceedings i.e., W.O.PNo.184 of 2020, it would be appropriate to have it to the Waqf Tribunal to decide the matter as it turns heavily on facts and give a simple directive to the Waqf Tribunal to dispose of the matter as expeditiously as its business would permit.

5. As far as implead petition is concerned, learned counsel is heard as an intervenor and he is given audience. The implead petition is ordered accordingly. As intervenor, learned counsel submitted that the administration of said Waqf, is in the hands of the Tamil Nadu Waqf Board on paper but it is being carried on by the third respondent through his brother in a surrogate manner. To be noted, this allegation is refuted by learned counsel for the third respondent. I express no opinion on this allegation. I do not want to enter into this arena/controversy for three reasons:

One is the matter turns heavily on facts; Second reason is the Waqf Tribunal is in seizin of the matter; Third reason is any expression of opinion on this matter would impact the proceedings before the Waqf Tribunal.

6. In the light of the narrative thus far, captioned writ petition is disposed of by making a simple order i.e., saying that the writ petition stands closed, leaving open all questions including questions raised in the captioned writ petition to be decided by the Waqf Tribunal at Chennai in W.O.PNo.184 of 2020. To be noted, if the implead petitioner approaches the Waqf Tribunal with a suitable application, the same shall be dealt with on its own merits and in accordance with law, with this order neither impeding nor serving as an impetus to such proceedings.



7. The Waqf Tribunal is requested to dispose of W.O.P.No.184 of 2020 as expeditiously as its business would permit and in any event within three months from today i.e., on or before 19.02.2022. Captioned writ petition is disposed of in aforementioned manner with aforementioned simple directive and observations. Consequently, captioned W.M.Ps are disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

- 1.Tamil Nadu Wakf Board
rep. by its Chief Executive Officer,
No.1, Jaffer Sirang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 2.Anchuvannam Peer Mohammadia Muslim
Association Jamath,
Thuckalay, Kalkulam Taluk,
Kanyakumari District through its
Executive Officer,
The Superintendent of Wakfs,
Madurai, Ramnad, Tirunelveli Division,
No.54/15, S.N.High Road,
Tirunelveli - 627 001.
- 3.The Officer Incharge,
Wakf Tribunal,
Chennai.

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-35218[F] dated 19/11/2021)

+1 CC to M/s.G.PRABU RAJADURAI, Advocate (SR-35373[F] dated 22/11/2021)

W.P (MD) .No.22427 of 2017

19.11.2021

RS (01.12.2021) 3P 6C