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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.2233 of 2022

Ahle Sunnath Jamath Masjid,
Rep., by its, Patel Muthavalli,
P.Khader Sharief,
Karasamangalam Village,
Katpadi Taluk & Post,
Vellore District - 632 202.

.. Petitioner

Vs.

1. The Chairman,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Chennai - 600 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to consider the proposal and representation dated 24.08.2021 and 20.09.2021, submitted by the petitioner-mosque and pass appropriate orders within a time frame fixed by this Court.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondents : Mr.C.Shankar
Standing Counsel (Wakf Board)

O R D E R

This Writ Petition is filed for issuance of writ of Mandamus, directing the respondents to consider the proposal and



representation dated 24.08.2021 and 20.09.2021, submitted by the petitioner-mosque and pass appropriate orders within a time frame fixed by this Court.

2.The petitioner Ahle Sunnath Jamath Masjid is a notified wakf consisting of Masjid and burial ground. The burial ground is situated at Survey No.268 measuring about 1 acre and 60 cents of Karasamangalam Village, abutting the Vellore - Gudiyatham Road. After various litigations, the petitioner Masjid is maintaining the burial ground. The fencing put up across the burial ground has now become damaged and in view of the same, the anti social elements, stray and dangerous animals including dogs, foxes and vultures are entering into the burial ground. Hence, it is necessary to put up a compound wall. The petitioner Masjid is the under control of the respondents. In such circumstances, the petitioner Masjid has sent two representations dated 24.08.2021 and 20.09.2021 to the respondents for permission to construct a compound wall and issue a direction to the Revenue Authorities to measure the land and put up boundary stones with Police protection. Since no order is passed on the said representations, the petitioner has come out with the present Writ Petition.

3.Mr.C.Shankar, learned Standing Counsel (Wakf Board) takes notice for the respondents and submitted that the petitioner Masjid is seeking monetary help from the respondents and the said request is placed before the committee and it will take eight weeks time to pass orders on the representations of the petitioner.

4.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel (Wakf Board), who appeared through video conferencing for the respondents and perused the entire materials on record.

5.From the above materials, it is seen that the petitioner is seeking to construct a compound wall to protect the burial ground belonging to the petitioner. Considering the nature of relief sought for and the submissions of the learned counsel for petitioner as well as learned Standing Counsel (Wakf Board) for respondents, without deciding the issue on merits, the respondents are directed to consider the representations of the petitioner dated 24.08.2021 and 20.09.2021 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above directions, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Chairman,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1cc to Mr.W.M.Abdul Majeed, Advocate, S.R.No.9989

W.P.No.2233 of 2022

NK (CO)
SU (03/03/2022)