



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6271 of 2004

- 1.Syed Abdul Hussain (died)
- 2.Jalaludeen
- 3.Shanawaz Begum
- 4.Syed Ameer Basha
- 5.Yasin Fathima
- 6.Syed Rizwan Basha
- 7.Shahibzadi

... Petitioners

(P3 to P7 are substituted as LR's of the deceased
P1 vide Court order dt.25/01/2019, made in
WMP.No.38254/18 in W.P.No.6271/04)

-Vs-

1. The State of Tamil Nadu
Rep.by its Secretary
Department of Wakfs
Fort St.George
Secretariate, Chennai.
2. The Tamil Nadu Wakf Board
Rep.by its Chair person
No.7 (old No.4) IX Cross Indira Nagar,
3. The Chief Executive Officer
The Tamil Nadu Wakf Board
No.7 (old No.4) IX Cross Indira Nagar,
Adayar, Chennai 600 020.
4. The Superintendent of Wakfs (NZ)
The Tamil Nadu Wakf Board
No.7 (old No.4) IX Cross Indira Nagar,
Adayar, Chennai 600 020.



5.Syed Saduq Peeran
Flat No.14, I Block
Twinbulls Road, Nandanam
Chennai 600 035.

6.S.M.Siraj Ahmed

... Respondents

(R6 impleaded as per court order dated 02.09.2008 in
WPMP.No.549/2007 in WP.No.6271/2004 by PJMJ).

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's resolution dated 2-12-2003 made in item no.74/90 in W.E.A.6/90/E5/CHE to quash the same and to consequently direct the 3rd respondent to place the said resolution before the 2nd respondent again for reconsideration so as to adjudicate the petitioner's right of functioning as the Hereditary Muthavalli of Hazrath Syed Shah Hussain Dargah Mylapore, Chennai from 1988 as per the scheme decree framed by the Hon'ble Court of Madras In C.S.723 of 1922 in accordance with Sec 66 of the Wakf Act 1995.

For Petitioner : Mr.K.Shanmugakani
for M/s.M.N.S.Mohamed Habeeb Raja

For Respondents : Mr.C.Sathish
Government Advocate
for R1

M/s.Mohamed Fayaz Ali
for R2 to R4

O R D E R

The subject matter of challenge in this writ petition is the order passed by the 2nd respondent dated 22.01.2004, wherein, one Syed Meeran Khadri was appointed as a Muthawalli of the Dargah and his period was fixed as three years from the date of the order with usual terms and conditions. It is seen from the terms and conditions that on expiry of the three years, the tenure of office will automatically cease.

2.The learned Standing Counsel appearing on behalf of the respondents 2 to 4 submitted that the person, who was appointed as a Muthawalli died and the period has also come to an end and therefore, nothing survives for consideration in this writ petition.



3. In the considered view of this Court, nothing survives for consideration in this writ petition since the person, who was appointed as a Muthawalli died and the period has also come to an end.

4. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary
State of Tamil Nadu
Department of Wakfs
Fort St.George, Secretariate, Chennai.
2. The Chair person,
Tamil Nadu Wakf Board
No.7 (old No.4) IX Cross Indira Nagar,
Adayar, Chennai 600 020.
3. The Chief Executive Officer
The Tamil Nadu Wakf Board
No.7 (old No.4) IX Cross Indira Nagar,
Adayar, Chennai 600 020.
4. The Superintendent of Wakfs (NZ)
The Tamil Nadu Wakf Board
No.7 (old No.4) IX Cross Indira Nagar,
Adayar, Chennai 600 020.

+1cc to the Government Pleader, S.R.No.33704

W.P.No.6271 of 2004

BP[co]
NSK/16/06/2022