



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.7988 of 2022

Syed Mazharudin,
Chief Hereditary Trustee and Mutawalli,
Dargah Hazrath Syed Moosa Sha Khaderi (R.A.)
@ Mount Road Dargah, No.824, Anna Salai,
Chennai 600 002.

.. Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 1.

2.The Inspector of Wakf (Central),
Office of the District Superintendent,
Tamil Nadu Wakf Board,
No.139, Dr. Besant Road, Ice House,
Chennai 600 014.

3.Syed Ahmed Hussain @ Mustaq Hussain

4.A.Nazim Basha

5.A.Syed Abu Moosa

.. 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 1 and 2 to pass orders on the petitioner's representation dated 15.02.2022, on merits and in accordance with law, seeking to forbear the respondents 3 to 5 from performing any services in the Hazrath Syed Moosa Sha Khaderi (RA) Dargah till the final outcome of all the civil and criminal cases against them.



For Petitioner : Mr.N.A.Nassir Hussain

For RR1 & 2 : Mr.C.Shankar
(Standing Counsel for Wakf Board)

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O R D E R

This Writ Petition is filed by the petitioner for a direction to the respondents 1 and 2 to consider his representation dated 15.02.2022 and to forbear the respondents 3 to 5 from performing any services in the Hazrath Syed Moosa Sha Khaderi (RA) Dargah till the final outcome of all the civil and criminal cases against them.

2.By consent of the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 and 2, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, in reverence to an Islamic Saint viz., Saint Hazrath Syed Moosa Sha Khaderi (RA), a dargah was consecrated, which is popularly known as Mount Road Dargah at Mount Road (Anna Salai), Chennai. The said Dargah is a registered and notified wakf under the supervisory control of the 1st respondent. The trustees of the Dargah sit as turn hold trustees for performing services of the Dargah as mujavars. The respondents 3 to 5 are such turn hold trustees of the Dargah and cases are pending against the 3rd respondent on the file of the Tamil Nadu Wakf Tribunal at Chennai and City Civil Court, regarding his trusteeship of the Dargah and 5th respondent is the son of the 3rd respondent. The petitioner has made serious allegations against the respondents 3 to 5, who are the turn hold trustees, by representations dated 15.02.2022 and 08.03.2022 to the respondents 1 and 2, informing the illegalities of the respondents 3 to 5. Since no order is passed, the petitioner has come out with the present Writ Petition.

4.Mr.C.Shankar, learned Standing Counsel appearing for the respondents 1 and 2 submitted that the Chief Executive Officer was transferred and now, only In-charge Chief Executive Officer is available and requested four weeks time for considering the representation of the petitioner.

5.Considering the above materials, as serious allegations are made against the respondents 3 to 5, the 1st respondent is directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, after giving an



opportunity of personal hearing to the petitioner as well as the respondents 3 to 5, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

gsa

To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 1.

2.The Inspector of Wakf (Central),
Office of the District Superintendent,
Tamil Nadu Wakf Board,
No.139, Dr. Besant Road, Ice House,
Chennai 600 014.

+1cc to Mr.N.A.Nissar Ahmed, Advocate SR.No.22022

+1cc to Mr.C.Shankar, Advocate SR.No.21633

W.P.No.7988 of 2022

PL(CO)

CB(13/04/2022)