



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.9611 of 2022

Syed Latif,
S/o. Syed Dawood,
Muthawalli,
Shahganj Masjid Waqf G.S.662/NA,
No.16, Iyakuppan Street,
Arcot - 632 503
Ranipet District.

...Petitioner

Vs

The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Mannady, Chennai 600 001.

...Respondent

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to consider the representation dated 01.12.2021 and thereby register the Shahganj Masjid Waqf G.S.662/NA under Section 36 of the Waqf Act, 1955 within a stipulated time.

For Petitioner : Mr.MMI.Khaleel

For Respondent : Mr.S.Haja Mohideen Gisthi
Standing Counsel [Wakf Board]

ORDER

The petitioner has come out with the present Writ Petition for a direction to the respondent to consider the petitioner's representation dated 01.12.2021 and thereby register the Shahganji Masjid Waqf G.S.662/NA under Section 36 of the Waqf Act, 1955 within a stipulated time.

2.According to the petitioner, his father was Muthawaali of Shahganji Masjid Waqf G.S.662/NA, Arcot, Ranipet District. After his father's death, the petitioner became Muthawaali in the year 1976 and continues till date without any order of appointment as



Muthawalli. The said Waqf owns property measuring an extent of about 12 acres. While so, the property in S.No.9/2 B, Kaveripakkam Village, Ranipet District belonging to the said Waqf was illegally occupied by Murugan and Lakshmanan and they are trying to alienate the Waqf property. When the petitioner brought the same to the knowledge of the respondent, he was directed to take action under Public Premises Act to recover the Waqf property from illegal occupation. For taking legal action, the order of appointment of Muthawalli is required. Therefore, the petitioner gave a representation dated 24.12.2020 to the respondent to register the above Waqf under Section 36 of the Waqf Act. However, no action was taken. Again on 01.12.2021, the petitioner gave another representation to the respondent for the order of appointment of Muthawalli and to register the Waqf under Section 36 of the Waqf Act. Since no order has been passed, the petitioner has come out with the present Writ Petition.

3.Mr.S.Haja Mohideen Gisthi, learned Standing Counsel [Waqf Board] appearing for the respondent submitted that for registering the Waqf under Section 36 of the Waqf Act, enquiry has to be conducted and only after satisfaction on the enquiry, the Waqf can be registered. He further submitted that the representation of the petitioner will be considered on merits and orders will be passed within the time frame stipulated by this Court.

4.Heard the learned counsel appearing for the petitioner and learned Standing Counsel [Waqf Board] appearing for the respondent and perused the materials on record.

5.Considering the above submission made by the learned Standing Counsel appearing for the respondent, the respondent is directed to consider the representation of the petitioner dated 01.12.2021 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar(CS-IV)

//True Copy//

Sub-Assistant Registrar

rst



To:

The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Mannady, Chennai 600 001.

W.P.No.9611 of 2022

AJB (CO)
RN (13/05/2022)