



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WRIT PETITION NO.8903 OF 2022

Syed Latif

... Petitioner

Vs.

The Tamil Nadu Waqf Board
Represented by its Chief Executive Officer
No.1, Jaffer syrang street
Mannady
Chennai-600 001.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 01.12.2021 and thereby appoint Muthawalli to Shahganj Masjid Waqf G.S.662/NA within a stipulated time.

For Petitioner	:	Mr.MMI.Khaleel for Mrs.A.Ajimath Begum
For Respondent	:	Mr.G.Mohammed Aseef Standing Counsel (Wakf Board)

O R D E R

Writ Petition is filed for a direction to the respondent to consider the petitioner's representation dated 01.12.2021 and thereby appoint Muthawalli to Shahganj Masjid Waqf, within a stipulated time.

2.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondent Waqf Board and perused the materials on record.



3. According to the petitioner, Shahganz Masjid Waqf is a surveyed and notified Waqf and its Gazette Notification is G.S.662/NA. The Waqf is a pious, religious and Masrathul Khidmath, created for the support of the Mosque and it is under the supervisory control of the Tamil Nadu Waqf Board. The Waqf owns huge extent of property measuring an extent of about 12 acres. The petitioner's father was Muthawalli. After his death, the petitioner became Muthawalli in the year 1976 and continues till date. The Waqf property situates in Kaveripakkam Village, Ranipet District, measuring an extent of 5.23 acres has been illegally occupied by Murugan and Lakshmanan. They tried to alienate the property and the same was legally resisted by the petitioner. The petitioner brought the same to the knowledge of the respondent and he was directed to take action under Public Premises Act to recover the Waqf property from illegal occupation. For taking legal action to recover the Waqf property, appointment of Muthawalli is required. Therefore, the petitioner sent a representation dated 01.12.2021 to the respondent. Since no action was taken on the said representation, the petitioner has come out with the present Writ Petition.

4. The learned Standing Counsel appearing for the respondent Waqf Board submitted that representation of the petitioner will be considered and orders will be passed within the time frame fixed by this Court.

5. Considering the nature of relief sought for in the Writ Petition, without deciding the issue on merits, 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, after giving opportunity to the petitioner, within a period of eight (8) 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.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kj



To

The Tamil Nadu Waqf Board
Represented by its Chief Executive Officer
No.1, Jaffer syrang street
Mannady
Chennai-600 001.

+1cc to M/s.G.Mohammed Aseef, Advocate, S.R.No.26835

W.P.No.8903 of 2022

SSV(CO)
RLP(12/05/2022)