



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

C O R A M

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

W.P.No.10009 of 2022

Meeran

...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 Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai -1.

3.A.N.Mohamed Ali

4.A.N.Arief

5.Madrassa Bakhyyathus Salihath
Wakf Bearing G.S.No.423,
Rep by its General Secretary,
Bakhyyath Street, Vellore - 623 004.

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider and pass orders on the petitioner's application dated 06.01.2022, seeking to take action under Sections 52 and 52-A r/w Sections 51, 51(1A) and 70 of the Wakf Act 1995 and to recover the wakf property situated in Municipal Door No.39, New Door No.2 (Corresponding to previous Door No.42/43), Krishna Koil Street, Muthialpet, George Town, Chennai -1 belonging to Madrasa Bakhyyathus Salihath wakf, on merits and in accordance with law.

For Petitioner : Mr.N.A.Nassir Hussain
for Mr.N.A.Nissar Ahmed

For R1 & R2 : 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 respondents 1 and 2 to consider and pass orders on the petitioner's application dated 06.01.2022

2. Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel [Wakf Board] appearing for the respondents 1 and 2 and perused the materials on record.

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

4. According to the petitioner, the 5th respondent without any authority and approval, sold the property of the wakf in favour of the respondents 3 and 4 under sale deed dated 09.06.2011 bearing Document No.97 of 2011. In view of the same, the petitioner gave a representation dated 03.01.2022 to the 1st respondent, to retrieve the property of the wakf. The said representation was not considered. Hence, the petitioner sent an application under Section 70 of the Wakf Act on 06.01.2022 to the 1st respondent. Since no action has been taken on the said application, the petitioner has come out with the present Writ Petition.

5. Mr. S. Haja Mohideen Gisthi, learned Standing Counsel [Wakf Board] appearing for the respondents 1 and 2 submitted that the representation of the petitioner will be considered on merits after hearing the petitioner and respondents 3 and 4 within the time frame fixed by this Court.

6. Considering the above submission, the 1st respondent is directed to consider the petitioner's representation dated 03.01.2022 as well as the application dated 06.01.2022, filed under Section 70 of the Wakf Act, after giving opportunity to the petitioner as well as respondents 3 and 4 and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar



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To:

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

2.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai -1.

+1cc to M/s.N.A.Nissar Ahmed, Advocate SR.No.27951

W.P.No.10009 of 2022

SSN(CO)
GMY(24/05/2022)