



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.11347 of 2022

A.K.Raja Mohideen

.. Petitioner

Vs.

1.The Tamil Nadu Waqf Board
Rep. By its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seetha Kadhi Nagar,
Mannady, Chennai 01.

2.The Superintendent of Waqf,
Trichy Zone,
Having Office at 8/124,
2nd Floor, Kayetha Millath Road,
Pallakarai, Trichy 08.

3.A.Basheer Ahmed,
Secretary of Periya Pallivasal @ Nawab Pallivasal
@ Chinna Katchi,
Muslim Melatheru,
Illupur, 622102,
Pudukottai District.

.. 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 consider the representation of the petitioner dated 23.04.2022 and thereby direct the 2nd respondent to conduct Idga prayer on Ramzan Festival on 3rd May, 2022.

For Petitioner : Mr.G.Sivakumar

For RR1 & 2 : Mr.S.Haja Mohideen Gisthi
(Standing Counsel for Waqf Board)

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

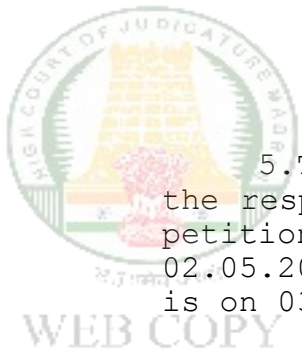


representation dated 23.04.2022 and thereby direct the 2nd respondent to conduct Idga prayer on Ramzan Festival on 3rd May, 2022.

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

3.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel (Waqf Board) appearing for the respondents 1 and 2 and perused the entire materials available on record.

4.According to the petitioner, he is Secretary of the Periya Pallivasal @ New Pallivasal @ Periya Katchi, which is a notified Waqf under the supervisory control of the 1st respondent. There are two Waqf in Illupur town viz., Nawab Pallivasal and Periya Pallivasal. The vacant land measuring an extent of 1.80 acres comprised in S.No.26/1A (Part), corresponding to Survey No.486/20 in Illupur Village, is a Natham Poramboku land, which is commonly used by both the Waqf for the purpose of Idga prayer (Festival prayer), as per the agreement dated 10.04.1978 and the said vacant land does not belong to any particular Waqf. In the year 2018, when the dispute arose, the petitioner approached the 1st respondent. The 1st respondent conducted an enquiry and passed orders in proceedings WEA.6/18/E-5/Pudukkottai dated 28.01.2020, directing to frame a scheme and to form separate committee consisting of 3 members from both sides to manage the Waqf. The 1st respondent also held in the said order that the said vacant property is a Waqf by user and it neither belongs to Nawab Pallivasal nor to Periya Pallivasal, situated in Illupur and it is a Natham Porambokku. Since, the said order was not implemented, the 2nd respondent sent a letter dated 06.02.2020, requesting to nominate three members from the respective Jamath. The 3rd respondent has filed an appeal against the order of the 1st respondent in A.A.No.5 of 2020, before the Tamil Nadu Waqf Tribunal, Chennai and the same is pending. The 3rd respondent, suppressing the agreement between the two Waqf of Illupur Village and order passed by the 1st respondent, approached the Tasildhar to conduct Idga prayer, which is against the custom and usage. Since the order passed by the 1st respondent is unimplemented, the petitioner, by representation dated 23.04.2022, requested the 2nd respondent to permit the petitioner to conduct the Idga Prayer during Ramzan festival, which falls on 03.05.2022. Since no order is passed on the said representation, the petitioner has come out with the present Writ Petition.



5.The learned Standing Counsel (Waqf Board) appearing for the respondents 1 and 2 submitted that the representation of the petitioner will be considered and orders will be passed on 02.05.2022, taking into consideration the fact that Idga prayer is on 03.05.2022.

6.Considering the nature of relief sought for in the Writ Petition and the above submission made by the learned counsel on both sides, without deciding the issue on merits, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 23.04.2022 and pass orders, on merits and in accordance with law, by 02.05.2022, after hearing petitioner and 3rd respondent.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gsa

To

- 1.The Chief Executive Officer,
The Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street,
Vallal Seetha Kadhi Nagar,
Mannady, Chennai 01.
- 2.The Superintendent of Waqf,
Trichy Zone,
Having Office at 8/124,
2nd Floor, Kayetha Millath Road,
Pallakarai, Trichy 08.

+1cc to M/s.A.Ajimath Begam, Advocate, S.R.No.30503

+1cc to M/s.S.Haja Mohideen Gisthi, Advocate, S.R.No.30811
(07/06/2022)

W.P.No.11347 of 2022

RP(CO)
SB(29/04/2022)