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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.14855 OF 2022

Y.A.Nawabdeen

... Petitioner

Vs.

1. The Secretary to the Government,
The Government of Tamil Nadu,
Backward, Most Backward and Minority
Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Waqf Board,
Represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
4. The Waqf Superintendent,
Chennai Zone,
No.139A, Dr.Besant Road,
Ice House, Triplicane,
Chennai - 600 005.
5. The Waqf Superintendent,
Vellore Zone,
No.8, Bahathursha Mosque Building,
Sainathapuram, Vellore District.
6. Janab.S.Syed Ali Akbar

... Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the first to third respondents to consider the representation dated 27.05.2022 and Waqf Enquiry Petition dated 30.05.2022 and thereby conduct enquiry and pass orders on merit in accordance with Section 64 of the Waqf Act, 1995 within a stipulated period of time.

For Petitioner : Mr.A.Abdul Rahman
For Respondents :
For R2 : Mr.V.Raghavachari
For R6 : Mr.S.N.Kirubanandam

ORDER

Mr.V.Raghavachari, learned counsel takes notice on behalf of the second respondent and Mr.S.N.Kirubanandam, learned counsel takes notice on behalf of the sixth respondent.

2. This writ petition has been filed for a Mandamus, to direct the first to third respondents, to consider the petitioner's representation dated 27.05.2022 and Waqf Enquiry Petition dated 30.05.2022 and pass appropriate orders in accordance with law under Section 64 of the Wakf Act, 1995.

3. The learned counsel for the second respondent submits that appropriate orders will be passed on the representation dated 27.05.2022 of the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

4. Opposing the prayer, the learned counsel for the sixth respondent submits that the third respondent is not competent authority, who issued the Enquiry Notice on 31.05.2022 intimating the sixth respondent that the enquiry vide R.C.No.560/14/D.9/Chn dated 31.05.2022 has been postponed.

5. Mr.V.G.Guhan Murugan, learned counsel representing the interest of the third party/intervenor K.M.Shahul Hameed submits that the petitioner has rightly filed O.A.No.9 of 2014, before the Waqf Tribunal, to remove the sixth respondent and therefore this writ petition cannot be entertained.

6. I have considered the arguments advanced by the learned counsel for the petitioner, the learned counsel for the second respondent, the learned counsel for the sixth respondent and the learned counsel for the third party/intervenor K.M.Shahul Hameed.



7. This writ petition is only for a direction to consider the representation of the petitioner and no relief are sought for on merits of this case. Considering the same, I am inclined to dispose this writ petition by directing the second respondent to pass appropriate orders on merits and in accordance with law, on the representation dated 27.05.2022 and the Waqf Enquiry Petition dated 30.05.2022 of the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

8. It is made clear that, before passing such order, the sixth respondent shall be heard.

9. This Writ Petition stands disposed of in terms of the above observations. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Secretary to the Government,
The Government of Tamil Nadu,
Backward, Most Backward and Minority
Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Chairman,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
4. The Waqf Superintendent,
Chennai Zone,
No.139A, Dr.Besant Road,
Ice House, Triplicane,
Chennai - 600 005.



5. The Waqf Superintendent,
Vellore Zone,
No.8, Bahathursha Mosque Building,
Sainathapuram, Vellore District.

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+1cc to Mr.A.Abdul Rahman, Advocate, S.R.No.36498

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.36274

W.P.No.14855 of 2022

RLD (CO)

RLP (30/06/2022)