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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.26708 of 2021

Mohammed Karimullah Sherif

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Mannady, Chennai 600 001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Mannady, Chennai 600 001.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to hear and dispose of the representation dated 26.07.2021, pertaining to the appointment of the petitioner as Muthavalli and petitioner's two sons namely 1.Mohammed Sharfudeen and 2.Moinudeen Sherif as the Joint Muthavallis of the Hazrath Syed Sharfuddin Sha Khaderi Dargah Wakf, Anna Salai, Teynampet, Chennai 600 006 in accordance to law within a time frame as fixed by this Court.

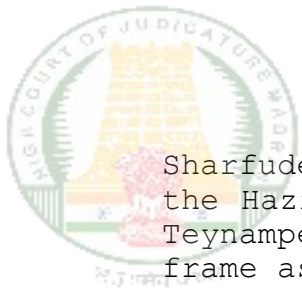
For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.Haja Mohideen Gisthi
Standing Counsel (Wakf Board)

O R D E R

(The matter is heard through 'video conferencing/hybrid mode')

This Writ Petition is filed seeking a direction to the 1st respondent to hear and dispose of the representation dated 26.07.2021, pertaining to the appointment of the petitioner as Muthavalli and petitioner's two sons namely 1.Mohammed



Sharfudeen and 2.Moinudeen Sherif as the Joint Muthavallis of the Hazrath Syed Sharfuddin Sha Khaderi Dargah Wakf, Anna Salai, Teynampet, Chennai 600 006 in accordance to law within a time frame as fixed by this Court.

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2.The petitioner is seeking to dispose his representation dated 26.07.2021 with regard to appointment of the petitioner as Muthavalli of the Hazrath Syed Sharfuddin Sha Khaderi Dargah Wakf. According to the petitioner, the Hazrath Syed Sharfuddin Sha Khaderi Dargah Wakf is notified Wakf under the supervisory control of the Tamil Nadu Wakf Board. The object of the Hazrath Syed Sharfuddin Sha Khaderi Dargah Wakf is pious, religious and to maintain the mosque. The Mosque Wakf is vested with Dargah properties and the Dargah of the Hazrath Syed Sharfuddin Sha Khaderi is attached with the Mosque Wakf. The petitioner was Muthavalli from the year 1958, duly appointed by the respondents. In the year 1991, the 1st respondent has taken over the Mosque under direct management. In the year 1993, the Executing Committee of the Mosque Wakf has recommended to the respondents to appoint the petitioner as a Muthavalli and as per the recommendation, the petitioner is serving the said Mosque Wakf as Muthavalli, without any remarks. While so, the petitioner made representation to the respondents to recognize him as Muthavalli and his two sons viz., Mohammed Sharfudeen and Moinudeen Sherif, as the Joint Muthavallis of the Hazrath Syed Sharfuddin Sha Khaderi Dargah Wakf. The said representation is pending with the respondents. Since no order is passed, the petitioner has come out with the present Writ Petition, seeking the relief sought for.

3.The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner will be considered within three months and orders will be passed and requested three weeks time in that regard.

4.Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel (Wakf Board) appearing for the respondents and perused the entire materials available on record.

5.From the report of the recommendation of the Committee it is seen that the income of the Hazrath Syed Sharfuddin Sha Khaderi Dargah is not sufficient to meet out the expenses. Due to lack of funds, religious activities and functions could not be done. The petitioner was functioning as Muthavalli from the year 1958 till 1991, thereafter the 1st respondent took over the management under direct control. The Committee of Mosque, in the year 1993, has recommended to the respondents appoint the petitioner as Muthavalli on condition that he performs all the functions on his own expenses. There is nothing on record to



show that the petitioner was functioning as Muthavalli from the year 1993 or any other person was appointed as Muthavalli. The petitioner, only in the year 2021, has given representation to appoint him as Muthavalli. In view of the limited relief that the petitioner is seeking to consider his representation, without expressing any opinion on merits of the case, the respondents are directed to consider the representation of the petitioner on merits and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Mannady, Chennai 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Mannady, Chennai 600 001.

+1cc to Mr.A.Mohamed Ismail, Advocate SR. No.12707

W.P.No.26708 of 2021

PMK (CO)
PR (17/03/2022)