



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. NO.27770 OF 2021

Muhalli Muthavalli
H.Haja Nazimuddin Sahib

... Petitioner

Vs

1. The Adhoc Board of Administrators,
Nagore Dargah Interim Adhoc Administrators,
Nagore Dargah, Nagore 611 002,
Nagapattinam District.
2. The Tamil Nadu Waqf Board
Rep. By its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Mannady, Chennai - 600 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to allow the petitioner and others to participate in the holy ceremonies of 465th Urs of the Nagoor Dargah to be held on 4th January 2022 to 17th January 2022 as stated in the representation dated 20.12.2021.

For Petitioner : Ms.A.Ajimath Begam

For Respondents : Mr.Haja Mohideen Gisthi
Standing Counsel for R2

O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents to allow the petitioner and others to participate in the holy ceremonies of 465th Urs of the Nagoor Dargah to be held on 4th January 2022 to 17th January 2022 as stated in the representation dated 20.12.2021.

2. The petitioner claims that he is entitled to participate



in the 465th Urus festival of Nagore Dargah to be held from 4th January 2022 to 17th January, 2022. In this regard, the petitioner, in order to get such a permission to participate in the Urus festival, has given a representation to the respondents on 20.12.2021 and the said representation, according to the petitioner, has to be considered and decided by the respondents, therefore, he approached this Court by filing the present writ petition with the aforesaid prayer.

3. Heard Ms.A.Ajimath Begam, learned counsel appearing for the petitioner as well as Mr.Haja Mohideen Gisthi, learned Standing Counsel appearing for the 2nd respondent Tamil Nadu Wakf Board.

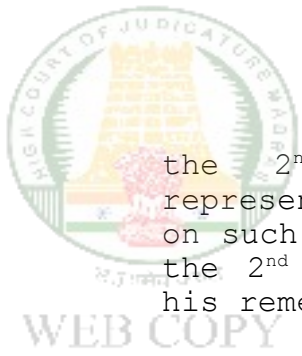
4. The learned Standing Counsel for the 2nd respondent would submit that, by virtue of the directions given by a Division Bench Judgment of this Court made in W.A.No.1640 of 216 etc. batch dated 08.06.2018, the 1st respondent was appointed as Adhoc Administrators. However, as per the Division Bench Judgment referred to above, the overall supervisory control is vested with the Tamil Nadu Wakf Board and the 1st respondent also to report to the 2nd respondent Wakf Board.

5. In this context, if at all the petitioner wants his representation dated 20.12.2021 to be considered by the 2nd respondent, the 2nd respondent certainly would consider and pass orders on merits. However, if the petitioner wants to get any such consideration from the 1st respondent who is the Interim Administrators, he can approach them. However, insofar as such permission to be granted to the petitioner as sought for by the petitioner is concerned, only the 2nd respondent is empowered to and not the 1st respondent.

6. Be that as it may, now the grievance of the petitioner is that, his request dated 20.12.2021 shall be considered for the purpose of giving permission to the petitioner to participate in the 465th Urus festival which has just commenced from 04th January 2022 and will be lasting upto 17th January 2022. If that being so, this Court feels that, the representation or application submitted by the petitioner dated 20.12.2021 can very well be considered by the 2nd respondent as claimed by them and accordingly the same may be decided.

7. In this context, it is the apprehension on the part of the petitioner as projected by the learned counsel for the petitioner that, if a permission is granted by the 2nd respondent, the petitioner may not be permitted to participate in the Urus festival as that kind of embargo would come from the 1st respondent.

8. That kind of apprehensive issues cannot be decided by this Court at this juncture, as the learned Standing Counsel for



the 2nd respondent has categorically stated that, the representation of the petitioner would be considered by them and on such consideration, if they are able to get a permission from the 2nd respondent, based on which, the petitioner can workout his remedy to execute the same in the manner known to law.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 2nd respondent to consider the representation of the petitioner dated 20.12.2021 and pass orders thereon on merits and in accordance with law within a period of two days from today as the Urus festival has already begun from yesterday (i.e. 04.01.2022). Once such consideration is shown out of which if any permission come from the 2nd respondent to the petitioner, it is open to the petitioner to workout the same by executing the said permission in the manner known of law.

10. With these observations and direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Adhoc Board of Administrators,
Nagore Dargah Interim Adhoc Administrators,
Nagore Dargah, Nagore 611 002,
Nagapattinam District.

2. The Chief Executive Officer,
The Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street,
Mannady, Chennai - 600 001.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.1496 [28/04/2022]

W.P. No.27770 of 2021

PPA (CO)

RLP (05/01/2022)