



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

**W.P. (MD) Nos.1384, 3140 and 3205 of 2022
and**

W.M.P. (MD) Nos.1222, 1223, 2736, 2794 and 2795 of 2022

In W.P. (MD) No.1384 of 2022:-

S.I.Basheer Ahmed

... Petitioner

/vs./

1.The Principal Secretary,
Tamil Nadu Wakf Board,
Chennai -01.

2.The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Trichy Circle,
8/124, Kayethey Millath Road,
Palakkarai,
Trichy District 620 008.

3.New Mosque Wakf @ Almohamathiya Pallivasal,
Tanjavore Road,
Trichy Taluk,
Trichy District 620 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned selections proceedings Notification of the 2nd respondent for trustees of the 3rd respondent office vide Na.Ka.Jee.S.No.823/Thiru/Vaka/Trichy/2022, dated 13.01.2022 and quash the same, consequently direct to issue fresh Notification in proper manner with following existing customary rules within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For R1 & R2 : Mr.D.S.Haroon Rasheed
Standing Counsel



In W.P. (MD) No.3140 of 2022:-

M.Mohameth Anjari Sakif

... Petitioner

/vs./

1.The Principal Secretary,
Tamil Nadu Wakf Board,
Chennai -01.

2.The Chairman,
Tamil Nadu Wakf Board,
Chennai 600 001.

3.The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Trichy Circle,
8/124, Kayethey Millath Road,
Palakkarai, Trichy District 620 008.

4.New Mosque Wakf @ Almohamathiya Pallivasal,
Tanjavore Road,
Trichy Taluk,
Trichy District 620 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned selections proceedings Notification of the 3rd respondent for trustees of the 4th respondent office vide Na.Ka.Jee.S.No.823/Thiru/Vaka/Trichy/2022, dated 13.01.2022 and quash the same as illegal and consequently direct to follow the same selection process of trustees to 4th respondent office as per the O.S.No.64 of 1939 on the file of the Subordinate Judge, Thiruchirapalli, within a time that may be fixed by this Court.

For Petitioner : Mr.M.Selvakumar

For R1 to R3 : Mr.D.S.Haroon Rasheed
Standing Counsel

In W.P. (MD) No.3205 of 2022:-

M.S.Mohammed Ismail

... Petitioner

/vs./

1.Tamil Nadu Waqf Board,
represented by its Chairman,
No.1, Jaffer Syrang Street,
Valla Seethrathi Nagar,
Chennai-1.



2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Valla Seethrathi Nagar,
Chennai-1.

3.The Election Officer,
Superintendent of Waqfs, Trichy Zone,
No.8/124, Kayeethemillath Salai,
Palakarai,
Trichy -8.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in pertaining to the impugned proceeding of the 3rd respondent in Notice No.2 in Na.Ka.G.S.823/Thiru/Va.Ka/Trichy/2022 dated 25.01.2022 quash the same as illegal consequently direct the respondents to consider the petitioner's representation dated 05.02.2022.

For Petitioner : Mr.T.Vadivelan

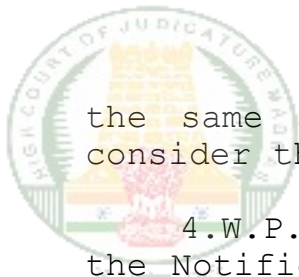
For R1 to R3 : Mr.D.S.Haroon Rasheed
Standing Counsel

COMMON ORDER

W.P.(MD)No.1384 of 2022 has been filed for a Certiorarified Mandamus to call for the records of the impugned proceedings of the 3rd respondent Office vide Na.Ka.Jee.S.No.823/Thiru/Vaka/Trichy/2022, dated 13.01.2022, quash the same and consequently, direct to issue fresh Notification in proper manner with following existing customary rules within a stipulated time that may be fixed by this Court.

2.W.P.(MD)No.3140 of 2022 has been filed for a Certiorarified Mandamus to call for the records of the impugned selection proceedings Notification of the third respondent for Trustees of the fourth respondent Office vide Na.Ka.Jee.S.No.823/Thiru/Vaka/Trichy/2022, dated 13.01.2022, quash the same and consequently, direct to follow the same selection process of Trustees to the fourth respondent Office as per O.S.No.64 of 1939, on the file of the Subordinate Judge, Thiruchirappalli, within a stipulated time that may be fixed by this Court.

3.W.P.(MD)No.3205 of 2022 has also been filed for a Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the third respondent in Notice No.2 in Na.Ka.G.S.No.823/Thiru/Va.Ka/Trichy/2022, dated 25.01.2022, quash



the same as illegal and consequently, direct the respondents to consider the petitioner's representation dated 05.02.2022.

4.W.P.(MD)Nos.1384 & 3140 of 2022 have been filed challenging the Notification issued on 13.01.2022. W.P.(MD)No.3140 of 2022 has been filed by the Trustees/Muthavalli in his representation dated 23.01.2022. It has been stated that the appointment of the Trustee/Muthavalli may be allowed to be made as per the existing practice. In these two writ petitions, it is submitted that as per the scheme decree in O.S.No.64 of 1939, dated 23.08.1995, the administration and management of the Mosque and its properties shall vest with the Board of three Trustees, who shall be persons professing the Muslim faith and residing within the Municipal limits of Tiruchirappalli and preferably those in the Mohala where the Mosque is situate (within the Municipal limits), and such appointments shall be made by the Sub-Court, Tiruchirappalli.

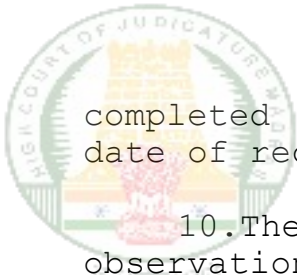
5.As far as W.P.(MD)No.3205 of 2022 is concerned, the learned counsel for the petitioner has drawn the attention of this Court to the revised notice dated 22.01.2022, issued by the third respondent calling for application to the post of Trustee from the Tiruchirappalli Municipal Corporation. It is submitted that as per the scheme decree, dated 23.08.1995 in O.S.No.64 of 1939, dated 04.10.1941, only the Sub-Court is competent to appoint a Trustee within the Municipal limits of Tiruchirappalli. It is submitted that Trichy Municipal Corporation has been superseded by the Trichy Corporation and covers a large area.

6.The learned Standing Counsel for the respondents further submits that appropriate steps will be taken in terms of the scheme decree. During the course of hearing, the learned Standing Counsel for the respondents has furnished the details of the jurisdiction/wards covered by the erstwhile Tiruchirappalli Municipality and the present Corporation namely, Trichy Corporation.

7.I have heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent Wakf.

8.The scheme decree dated 04.10.1941 in O.S.No.64 of 1939 as modified by the Subordinate Court, Tiruchirappalli on 23.08.1995, has to be modified in terms of Section 69 of the Wakf Act.

9.Considering the fact that the Tiruchirappalli Municipality became Tiruchirappalli Commissionerate on 01.06.1994, the Tiruchirappalli Commissionerate has about 65 wards, whereas at the time of framing of the scheme, the area under contemplation was much lesser. Therefore, the scheme has to be modified taking note of the above developments by keeping the object of the scheme decree dated 04.10.1941 in O.S.No.64 of 1939. Before taking up the election, the Board is directed to make suitable changes in the scheme decree and



completed by the Wakf Board within a period of 6 months from the date of receipt of a copy of this order.

10. These writ petitions stand dismissed, in terms of the above observations. It is open for the petitioners in these writ petitions to give appropriate representations to the Board, before such schemes are modified. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary,
Tamil Nadu Wakf Board,
Chennai -01.

2. The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Trichy Circle,
8/124, Kayethey Millath Road,
Palakkarai,
Trichy District 620 008.

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-11623[F] dated 11/03/2022)

+3 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-11983,11984,11985[F] dated 14/03/2022)

+1 CC to M/s.M.SELVAKUMAR, Advocate (SR-11622[F] dated 11/03/2022)

W.P. (MD) Nos.1384, 3140 and 3205 of 2022
11.03.2022

RK(29/03/2022) 5P 8C