



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

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THE HONOURABLE MR. JUSTICE C. SARAVANAN

Writ Petition (MD) No.14720 of 2019
and
W.M.P. (MD) No.11137 of 2019

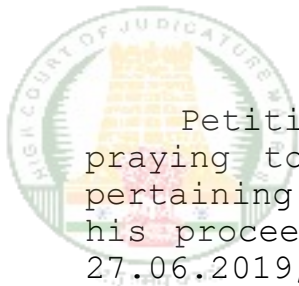
M.A.S.E.Liyakath Ali

.. Petitioner

Versus

- 1.The Tamil Nadu Waqf Board,
Rep. By its Chairman,
No.1, Jawfar Srirang Street,
Vallal Seethagathi Nagar,
Behind Customs Office,
Chennai - 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jawfar Srirang Street,
Vallal Seethagathi Nagar,
Behind Customs Office,
Chennai - 600 001.
- 3.The Superintendent of Wakf,
Office of the Superintendent Wakf,
Madurai and Ramnad District (I/C),
No.159/3, Therpasayanam Road,
Vellipattinam, Ramanathapuram - 623 504.
- 4.The Inspector of Wakf,
Office of the Superintendent of Wakf,
Madurai and Ramnad District (I/C),
No.159/3, Therpasayanam Road,
Vellipattinam, Ramanathapuram - 623 504.
- 5.The Deputy Superintendent of Police,
Sivagangai District,
Sivagangai - 630 561.
- 6.The Inspector of Police (L & O),
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

.. Respondents



Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent vide his proceedings in Na.Ka.No.109/14/Aa3/Sivagangai/NiA/Va.Ka., dated 27.06.2019, and quash the same as illegal.

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For Petitioner : Mr.D.Senthil
For R1 to R4 : Mr.S.A.Ajmalkhan
For R5 and R6 : Mr.P.Subburaj
Special Government Pleader

ORDER

The petitioner has challenged the impugned notice issued by the third respondent Superintendent of Wakf.

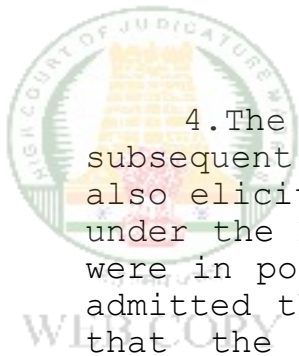
2. There has been a power struggle between the two groups to control and manage the affairs of the Pudur Periya Pallivasal, Ilayangudi Taluk, Sivagangai District. Earlier, an order came to be passed on 05.04.2019 by the Principal Seat of this Court in W.P.No.10225 of 2019. The the relevant portion of the said order reads as under:-

'4. On the other hand, the learned counsel for the 7th respondent, who is one of the members of Adhoc committee, submitted that the the petitioner is not managing the affairs of the Waqf and on the other hand, the Adhoc Committee is managing the affairs of the Waqf as on 22.02.2019.

5. Therefore, it is apparent that both the parties are claiming, as if they are managing the Waqf as on today. As both the parties are claiming that they are in administration of the management of the Waqf, this Court is of the view that during the pendency of this Writ Petition, for better administration of the management of Waqf and without giving room for any law and order problem, the Waqf Board shall take direct management of the Waqf until further orders.

6. Accordingly, the Tamil Nadu Waqf Board - 3rd respondent herein shall take direct management of the subject matter Waqf, however, by allowing all the interested parties to take part in the day-to-day rituals etc., without preventing anybody from doing so.'

3. It is the case of the petitioner that as a President he had issued only two marriage certificates and handed over all the records to the Board on 23.04.2019. It is submitted that prior to the order of the Principal Seat of this Court, there was a Peace Committee meeting on 02.01.2019 and it was agreed that both the parties will hand over the documents, which are in their possession and that the documents will be maintained in the Mosque.



4.The learned counsel for the petitioner submits that subsequent to the filing of this Writ Petition, the petitioner has also elicited reply from the third respondent Superintendent of Wakf under the Right to Information Act to the effect that the documents were in possession of one Y.Mohamed and the said Y.Mohamed has also admitted the same. The Writ Petition is predicated on the only ground that the petitioner was not in possession of anyone of the documents.

5.Opposing the prayer, the learned Standing Counsel for the respondents 1 to 4 submits that the Writ Petition is devoid of any merit, inasmuch as the petitioner has challenged a mere notice and has rushed to this Court without giving any explanation to the same. It is submitted that even if the petitioner has obtained certain information under the Right to Information Act, from the third respondent, it is open to the petitioner to submit the same and therefore, the Writ Petition is liable to be dismissed.

6.I have considered the arguments advanced by the learned counsel for the petitioner, learned Standing Counsel for the respondents 1 to 4 and the learned Special Government Pleader for the respondents 5 and 6.

7.The petitioner has challenged a mere notice issued asking him to furnish documents. As it is the case of the petitioner that he had only registered few marriages, it is open to him to reply to the impugned notice accordingly. Be that as it may, the petitioner appears to have obtained certain information from the third respondent under the Right to Information Act, which seems to indicate that the other records of the Pallivasal were with the said Y.Mohamed.

8.Considering the same, I direct the petitioner to reply to the impugned notice dated 27.02.2019 within a period of 30 days from the date of receipt of a copy of this order, enclosing all the documents, which were in his possession and the details of documents, which according to the petitioner, are in possession of the said Y.Mohamed.

9.This Writ Petition stands disposed of in terms of the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)



To

1. The Chairman,
Tamil Nadu Waqf Board,
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Vallal Seethagathi Nagar,
Behind Customs Office,
Chennai - 600 001.
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