



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.06.2022
CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

WEB COPY

Writ Petition (MD) No.12561 of 2022
and
W.M.P. (MD) Nos.8905 and 8907 of 2022

S.Mohammed Abdul Khader,
S/o.Syed Mohideen,
Secretary,
18 Valibargal Dharga Management Committee,
Odakkarai Pallivasal Jamath,
No.12/36, Salai Street,
Keelakkarai,
Ramanathapuram District.

.. Petitioner

Versus

- 1.The Chairperson,
Tamil Nadu Wakf Board,
Chennai - 600 002.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai - 600 002.
- 3.The Superintendent of Wakf,
Ramanathapuram Zone,
No.176/11, 1st Floor,
Therappasayanam Road,
Velipattinam, Ramanathapuram.
- 4.The Inspector of Wakf,
Ramanathapuram Zone,
No.176/11, 1st Floor,
Therappasayanam Road,
Velipattinam, Ramanathapuram.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Notification dated 26.04.2022, issued by the fourth respondent in pursuant to the proceedings of the third respondent in Na.Ka.No.6486/09/Aa3/Rama, dated 08.03.2022, quash the same and consequently, direct the fourth respondent to remove the lock and seal affixed at the premises of the petitioner's Dharga namely, 18 Valibargal Dharga, situated at Odakkarai Pallivasal Jamath, No.12/36, Salai Street, Keelakkarai, Ramanathapuram District, in order to enable the petitioner to access



his official belongings and celebrate the Urs festival scheduled to be held on 01.07.2022.

For Petitioner : Mr.T.Veerakumar
For Respondents : Mr.N.Mohideen Basha
Standing Counsel

ORDER

The petitioner, who is the Secretary of 18 Valibargal Dharga Management Committee, Odakkarai Pallivasal Jamath, Keelakkarai, Ramanathapuram District, has filed this Writ Petition, challenging the Notification dated 26.04.2022, issued by the fourth respondent, in pursuant to the proceedings of the third respondent, in Na.Ka.No.6486/09/Aa3/Rama, dated 08.03.2022 and further to remove the lock and seal affixed at the premises of the petitioner's Dharga, in order to enable him to have access his official belongings and to celebrate the Urs festival, scheduled to be held on 01.07.2022.

2.The contention of the petitioner is that, the said Dharga is 847 years old and every year, the Urs Mubarak festival is being celebrated with full devotion and enthusiasm by the devotees. The petitioner is the Secretary of the said Dharga Committee for past six years, and every year, he presides over the festival and conducts the same in a good manner. The petitioner came to know that the property to an extent of 4110 sq.ft. belonging to the said Jamath was illegally alienated by one Uswathul Hasana Mulsim Sangam, Represented by its Secretary in favour of one family Trust namely, Kader Sahibu Family Trust, Represented by its Managing Director, S.A.Kader Sahib, through sale deed, dated 24.06.2019, vide Document No.1814/2019, on the file of the Sub-Registrar Office, Keelakkarai. Therefore, the petitioner made a series of representations to the respondents herein seeking to cancel the fraudulent sale deed and to stop the illegal construction over the said Wakf property. The respondents have not taken any action. Hence, the petitioner filed an Original Application in O.A.No.24 of 2022 before the Tamil Nadu Wakf Tribunal, Chennai, for restraining the illegal construction upon the Wakf property and the same is pending.

3.Further, the petitioner sent a representation to the District Registrar, Ramanathapuram, to conduct an enquiry and declare the sale deed as null and void. Subsequently, the petitioner filed W.P. (MD)No.660 of 2022 to expedite the enquiry pending before the District Registrar, Ramanathapuram and the said Writ Petition is pending. Under those circumstances, on 26.04.2022, the fourth respondent herein illegally trespassed into the Dharga premises, locked and sealed the premises of the Dharga and affixed the impugned Notification dated 26.04.2022 at the premises of the Dharga in pursuant to the proceedings of the third respondent dated 08.03.2022. Hence, the present Writ Petition.



4.The learned Standing Counsel for the respondents submits that the petitioner is the erstwhile Secretary of the Dharga and using his official position, he had been making several earnings. The properties of the Dharga have been alienated to third parties and attempts have been made to retrieve the same. The learned Standing Counsel further submits that steps are being taken to erect a Mobile Tower in the Dharga's property and monthly rent and other benefits have been derived by the petitioner. Finding that there are several complaints against the petitioner, the petitioner was called for enquiry on 02.03.2022 and the petitioner appeared on the said date before the first respondent and was unable to give proper explanation for the complaints levelled against him. Finally, the petitioner agreed to hand over the administration of the Dharga to the Wakf Board within 15 days. Thereafter, he failed to do so. The third respondent, vide his proceedings dated 08.03.2022, declared that from 26.04.2022, administration of the Dharga comes under the control of the first respondent Wakf Board. The learned counsel further submits that now the administration of the said Dharga has been handed over to Uswathul Hasana Muslim Sangam and they are making all arrangements for conducting the Urs Mubarak festival on 01.07.2022. If the petitioner had left any of his personal belongings, he can approach the second respondent with particulars and thereafter, appropriate directions would be given by the second respondent for handing over the petitioner's belongings, if found and available.

5.Considering the rival submissions and on perusal of records, it is seen that now the Dharga is under the administrative control of the Wakf Board and the Wakf Board is taking steps to conduct Urs Mubarak festival in a peaceful manner along with the Members of the Wakf and the general public.

6.Finding that the petitioner has not been recognized as Secretary of the Dharga and removed from the post of Secretary, if he has any grievance, he has to approach the Wakf Tribunal under Section 85 of the Wakf Act, 1995 and file a suit, if he so advised.

7.With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

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/07/2022

Sub Assistant Registrar(CS)

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To

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Chennai - 600 002.
- 2.The Chief Executive Officer,
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+1 CC to M/s.T. VEERAKUMAR, Advocate (SR-28835[F] dated
29/06/2022)

WP (MD) No.12561 of 2022
28.06.2022

MGJ(01.07.2022) 4P 6C