



W.P(MD).No.14787 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.14787 of 2022

I.Syed Musthafa

... Petitioner

Vs.

1.The Principal Secretary to Government,
Backward Classes, Most Backward Classes
and Minorities Welfare (TI) Department,
Chennai-600 009.

2.The Chief Executive Officer,
Tamilnadu Wakf Board,
No.1, Jaffer Shirang Board,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.The Superintendent of Wakf,
Trichy Central Zone,
Wakf Superintendent Office,
No.8/124, 2nd Floor, Kayidhe Milleth Road,
Palakarai,
Tiruchirapalli District.

4.M.Syed Salavudeen

5.Sheik Mohaideen

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd Respondent to conduct the election forthwith to the Hazarath Nabi Sallalaho Alechi



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O'Vatsalam Fatiya Wakf and to appoint new trustees as per the scheme decree dated 05.08.1954 made in O.S.No.44 of 1952 on the file of the learned 1st Additional Sub Court, Trichy and modified scheme, dated 05.10.1960 made in A.S.No.666 of 1954 on the file of this Court within time limit that may be stipulated by this Court.

For Petitioner	: Mr.M.S.Jeyakarthik
For R1	: Mr.M.Ramesh Government Advocate
For R2	: Mr.S.A.Ajmal Khan Standing Counsel
For R3	: Mr.D.S.Haroon Rasheed
For R4	: Mr.M.Mahaboob Athiff

ORDER

This writ petition is filed praying for a writ of Mandamus to direct the 2nd Respondent to conduct the election forthwith to the Hazarath Nabi Sallalaho Alechi O'Vatsalam Fatiya Wakf and to appoint new trustees as per the scheme decree, dated 05.08.1954 made in O.S.No.44 of 1952 on the file of the learned 1st Additional Sub Court, Trichy and modified scheme, dated 05.10.1960 made in A.S.No.666 of 1954

2. It is submitted by the learned counsel for the Petitioner that the Petitioner has filed a representation on 27.06.2022 to conduct election to the Hazarath Nabi Sallalaho Alechi O'Vatsalam Fatiya Wakf.



3. It is submitted by the learned Standing Counsel for the 2nd Respondent that there has been an amendment to the scheme decree in O.S.No.44 of 1952 on the file of the learned 1st Additional Sub Court, Trichy on the basis of the Resolution No.134 of 2022, dated 13.07.2022. It is submitted by the learned counsel for the Petitioner that the above modification was carried out without putting the Petitioner on notice.

4. It is submitted by both the learned counsels for the Petitioner and the Respondents that 2nd Respondent shall consider the request made by the Petitioner and pass orders in accordance with law within a period of eight weeks after taking into account the original scheme and the modification/amendment scheme.

5. In view of the above submission, the petitioner is directed to file fresh representation within a period of three weeks from the date of receipt of copy of this order. On receipt of such representation, the 2nd Respondent is directed to consider and pass orders on the same after taking into account the original scheme and modification/amendment scheme after providing an opportunity of hearing to the Petitioner and other stake holders/interested parties, if any, within a period of eight weeks thereafter.



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6. With the above direction, the writ petition stands disposed of. No costs.

17.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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MOHAMMED SHAFFIQ, J.

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