



W.P(MD).No.16208 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

CORAM

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

W.P(MD).No.16208 of 2022

and

W.M.P.(MD).No.11719 of 2022

A.Mohamed Abdul Kadhar

... Petitioner

**Vs.**

- 1.The Chairperson,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai – 600 001.
- 2.The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai – 600 001.
- 3.The Superintendent of Wakf,  
K.A.P. Shopping Complex,  
TVM Road,  
Palayamkottai,  
Tirunelveli – 2.
- 4.The President,  
Malick Dinar Baithulmal,  
Pon Arrippu Street,  
Kottar Post,  
Nagercoil.



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5.I.Shahul Hameed

... Respondents

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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to interfere with the Sunni method of Worship in the Malick Dinar Baithul Mosque at Pon Arrippu Street, Kottar Post, Nagercoil.

For Petitioner : Mr.C.T.Perumal  
For R-1 to R-3 : Mr.S.A.Ajmal Khan,  
Standing Counsel  
For R-5 : Mr.A.Haja Mohideen

### **ORDER**

This Writ Petition has been filed seeking for issuance of Mandamus, directing the respondents not to interfere with the Sunnathul method of Worship in the Malick Dinar Baithul Mosque at Pon Arrippu Street, Kottar Post, Nagercoil.

2. The contention of the learned counsel for the petitioner is that the petitioner had sent a representation to the second respondent on 30.05.2022 followed by yet another representation dated 09.06.2022. In both the representations, the petitioner's request is to continue the prevailing sunnathul method of worship in the Malick Dinar Baithulmal Pallivasal which is registered with the Wakf board. One Shahul Hameed, who is the fifth



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respondent herein, had also sent a representation to the Wakf authorities to consider the change of prayer method. The said fifth respondent had also filed Writ Petition in W.P.(MD).No.8459 of 2022 before this Court and this Court vide order dated 28.04.2022 directed the first and second respondents therein to consider and pass appropriate orders on the representation of the petitioner therein dated 20.04.2022 and in accordance with law within a period of sixty days from the date of receipt of a copy of this order. The contention of the petitioner is that the said Shahul Hameed had given some false particulars, thereby, confusing the Wakf authorities. He further contends that the prayer procedure of the Malick Dinar Baithulmal Pallivasal cannot be changed and hence the present Writ Petition has been filed objecting the plea of the fifth respondent.

3. The learned Standing Counsel appearing for the respondents 1 to 3 submitted that this Court vide order dated 28.04.2022 in W.P.(MD).No.8459 of 2022 filed by the fifth respondent herein, had directed the Wakf authorities to consider the representation of the fifth respondent dated 20.04.2022. Based on the order of this Court, it is stated that the enquiry is now scheduled to be held on 12.08.2022 vide proceedings in R.C.No.14604/2007/B1/KK at the office of the second respondent.



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4. In view of the above, this Court directs the petitioner as well as the fifth respondent to participate in the aforesaid enquiry. Thereafter, appropriate decisions will be taken by the concerned authorities in accordance with law. The learned counsel for the fifth respondent submitted that they would participate in the enquiry which is scheduled to be held on 12.08.2022. Further submitted that they have no objection for the petitioner to participate in the enquiry and the fifth respondent can make his objections, if any, on the petitioner's claim.

5. The learned counsel for the petitioner today (01.08.2022) taken note of the enquiry which is scheduled to be held on 12.08.2022 and undertook to appear before the second respondent on that day, make their submissions and also they can oppose the contention of the fifth respondent, if any.

6. Recording the same, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

**01.08.2022**

Index : Yes / No  
Internet : Yes/ No  
Nsr



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To

1. The Chairperson,  
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Chennai – 600 001.
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**M.NIRMAL KUMAR, J.**

Nsr

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**01.08.2022**