



W.P(MD).No.16381 of 2022

-BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM

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

W.P(MD).No.16381 of 2022

and

W.M.P.(MD).Nos.11836 and 11837 of 2022

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... Petitioner

**Vs.**

1.The Chairman

Tamil Nadu Waqf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seetharathi Nagar,  
Chennai-1.

2.The Chief Executive Officer,

Tamil Nadu Waqf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seetharathi 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, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in pertaining to the impugned proceeding of the third respondent in



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Notice Na.Ka.No.10881/90/A5/Trichy dated 16.06.2022, quash the same as illegal consequently direct the respondents to consider the petitioner's representation dated 23.06.2022.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.D.S.Haroon Rasheed  
Standing Counsel

### **ORDER**

This Writ Petition has been filed to quash the impugned proceeding of the third respondent in Notice Na.Ka.No.10881/90/A5/Trichy dated 16.06.2022, and consequently to direct the respondents to consider the petitioner's representation dated 23.06.2022.

2.The petitioner had sent a representation on 23.06.2022 to the respondents making certain objections with regard to the publication made in Thinathanthi to select the Muthavalli to the Mosque namely, Hajrath Guthbisha Waqf, situated at Thennur, Trichy town, Trichy.

3.The contention of the petitioner is that the Mosque in the name of Hajrath Guthbisha Waqf, situated at Thennur, Trichy Town, Trichy, is managed by a scheme passed in O.S.No.64 of 1939 by the Subordinate Judge, Tiruchirappalli. As per the scheme, (the trust shall be managed by five



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trustees, managing trustee shall be hereditary trustee and remaining four shall be selected as follows namely two from the branch of the said Katija Bibi and one from the branch of Bibi Saheba and remaining trustees from the Muhammadan Public of the Hanafi Section resident in Tiruchirappali town limit), the third respondent issued notice for selection of trustees to the Hajratha Guthbisha Waqf vide proceedings in Na.Ka.No.10881/90/A5/Trichy dated 16.06.2022, wherein, they have invited application from Muslims, those who are residing within Trichy Corporation Limits. This scheme decree is very old as early as on 1933. As per the Waqf Board, the decree to modify the area from Trichy Town Limits to Trichy Corporation Limits. Then only the selection can be proper, as per the scheme decree in O.S.No.64 of 1939. Hence, the issuance of the impugned notice is to be recalled. After modification, a fresh notice can be issued.

4.The learned Standing Counsel appearing for the respondents submitted that when the scheme was formed, Trichy was only a town, after growth and urbanization, Trichy Town Limits got expanded, presently declared as Trichy Corporation Limits. Earlier, there were some objections. When the public notice calling for application, when it was issued in the name of Trichy Town Limit. Thereafter, when it was substituted by Trichy



Corporation Limit, again there were some objections. Hence, to avoid such objections, both Town Limit and Corporation Limit,, published. Some raised objections, filed a series of writ petitions in W.P.(MD).Nos.1384, 3140 and 3205 of 2022, wherein, this court considering the fact that the Tiruchirappalli Municipality became Tiruchirappalli Commissionerate on 01.06.1994, at 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 notice of the above development and directed the Waqf authorities to modify the scheme before taking up the election and make suitable changes in the scheme decree and thereafter, proceed with the election process. As regards this petitioner, the scheme is of the year 1933 and the same to be modified invoking Section 69 of the Waqf Act, and thereafter, public notice would be issued and election would be called.

5.Considering the submission and perusal of the materials, it is seen that the Trichy Town Limits is now expanded and declared as Trichy Corporation Limits. This scheme was of the year 1933, at that time, there were no corporation limits. To avoid objections and confusions, the public notice with both town and corporation limits have been printed. It would be



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appropriate for the Waqf authorities to modify the scheme of the year 1933 and incorporate appropriate words, after the recent expansion and development of Trichy Town Limits becoming Trichy Corporation Limits, thereafter, to issue notice and conduct election. This exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

**26.08.2022**

Index : Yes / No  
Internet : Yes/ No  
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**M.NIRMAL KUMAR, J.**

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