



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

WEB COPY

W.P.(MD).Nos.16698 of 2020, 7915 and 15266 of 2021

and

W.M.P(MD).Nos.13950, 13951 of 2020,
12176, 12177, 18011 and 18153 of 2021

W.P. (MD).No.16698 of 2020

A.Syed Pakrudeen

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Superintendent of Police,
Madurai, Madurai District.

3.The District Revenue Officer,
Madurai District, Madurai.

4.The Tahsildar,
Melur Taluk,
Madurai District.

5.The Sub Inspector of Police,
Melavalavu Police Station,
Melavalavu, Melur Taluk,
Madurai District.

6.Mohammed Sheriff

7.K.Syed Mohammed

8.A.Raja Mohammed

...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 pertaining to the impugned order dated 13.10.2020 passed by the fourth respondent in the peace committee proceedings conducted in respect of taking charge of Trusteeship of Mohaideen Andavar Pallivasal, Sennagarampatti village, Melur taluk, Madurai District and quash the same and consequently direct the respondents 6 to 8 to handover the trusteeship of the pallivasal as per the judgement and decree passed



in O.S.No.288 of 1940 on the file of district Munsif Court, Melur.

For Petitioner : Mr.N.Rahamadullah

For R1 to R5 : Mr.M.Prakash
Additional Government Pleader

WEB COPY

W.P. (MD) .No.7915 of 2021

A.Katharkani

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600001.

2.The Superintendent of Wakf,
Tamilnadu Wakf Board,
No.1, Town Hall Road Main Building 2nd Floor,
Madurai-625001.

3.The Tahsildar,
O/o.The Tahsildar,
Melur,
Madurai District.

4.B.Mohamed Sherief

...Respondents

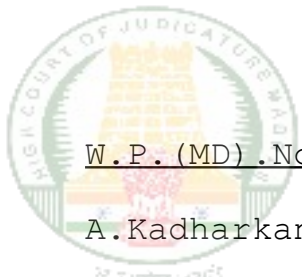
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to implement the decision taken in the peace committee meeting passed by the third respondent dated 13.10.2020 and permit the petitioner to function as Muthavalli up to December, 2023 and consequently direct the respondents 1 to 3 restrain the fourth respondent and his office bearers from interfering the peaceful functioning of the petitioner as a Muthuvalli at the Jamath namely Mohideen Aandavar Pallivaasal situated at Melapatti, Chenakarampatti post, Melur Taluk, Madurai District within the time stipulated by this court.

For Petitioner : Mr.T.Thirumurugan

For R1 & R2 : Mr.S.A.Ajmal Khan

For R3 : Mr.M.Prakash
Additional Government Pleader

For R4 : Mr.S.Mohamad Subail
For Ajmal Associates



W.P. (MD).No.15266 of 2021

A.Kadharkani

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600001.

2.The Superintendent of Wakf,
Tamilnadu Wakf Board,
No.1, Town Hall Road Main Building 2nd Floor,
Madurai-625001.

3.The Tahsildar,
O/o.The Tahsildar,
Melur,
Madurai District.

4.B.Mohamed Sherief

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.G.S.224/Madurai/VaAA/2021 dated 18.08.2021 on the file of the second respondent and quash the same as illegal and consequently direct the Respondents 1 to 3 to implement the peace committee order by the third respondent dated 13.10.2020 and permit the Petitioner to function as Muthavalli up to December, 2021 at Petitioner's Jamath namely Mohideen Aandavar Pallivaasal situated at Melapatti, Chenakarampatti Post, Melur Taluk, Madurai District.

For Petitioner : Mr.T.Thirumurugan

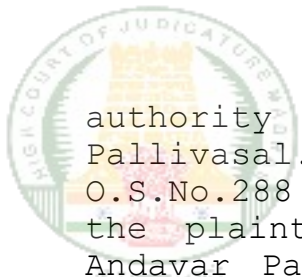
For R1 & R2 : Mr.S.A.Ajmal Khan

For R3 : Mr.M.Prakash
Additional Government Pleader

For R4 : Mr.S.Mohamad Subail
For Ajmal Associates

COMMON ORDER

The petitioner has challenged the impugned election notice, dated 18.08.2021 issued by the second respondent on the ground that the Pallivasal is under the private trust and Wakf Board has no



authority to interfere with the internal affairs of the said Pallivasal. It is further submitted that already there was a suit in O.S.No.288 of 1940, which came to be decreed on 24.10.1940, wherein, the plaintiffs were declared as the trustees of the Mohaideen Andavar Pallivasal, Sennagarampatti Village. It is submitted that the suit was decreed and therefore the respondent Wakf Board has no authority to interfere with the affairs of the said Pallivasal. That apart, for almost 60 years thereafter the Wakf Board was nowhere seen near the Pallivasal and therefore the impugned notice seeking to conduct election to the Pallivasal vide impugned notice dated 18.08.2021 is liable to be quashed.

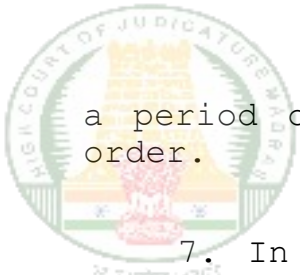
2. Opposing the prayer, the learned Additional Government Pleader for the respondents 1 to 5 in W.P.(MD).No.16698 of 2020 and for the third respondent in W.P.(MD).Nos.7915 and 15266 of 2021 submits that the said Wakf has been gazetted in the Fort St.George Gazette on 27.05.1959. In this connection, attention to Entry No.224 has been drawn wherein, the aforesaid Masque has been referred to us.

3. The learned Additional Government Pleader for the respondents 1 to 5 in W.P.(MD).No.16698 of 2020 and for the third respondent in W.P.(MD).Nos.7915 and 15266 of 2021 has filed a copy of the survey report pursuant to the said Gazette Notification was issued on 27.05.1959.

4. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 5 in W.P.(MD).No.16698 of 2020 and for the third respondent in W.P.(MD).Nos.7915 and 15266 of 2021 and the learned counsel for the respondents 1,2 and 4 in W.P.(MD).Nos.7915 and 15266 of 2021.

5. There is no merit in the present writ petition merely because for last 60 years, the respondents 1 and 2 had not looked into the affairs of the said Wakf/Pallivasal. The said Pallivasal is recognised as a Wakf. Therefore, if the petitioner is aggrieved by the impugned order, it is open for the petitioner to challenge the same in accordance with law before the Wakf Tribunal under Section 83 of the Tamil Nadu Wakf Act.

6. Considering the fact that the time stipulated for holding the election on 25.08.2021 had already expired, liberty is given to the respondents to issue a fresh notice for fresh election in accordance with law. In case, the petitioner is aggrieved by any elections that are held in accordance with the provisions of the Wakf Act, 1995, it is open for the petitioner to approach the Wakf Tribunal. The respondents shall endeavour to conduct election within



a period of six months from the date of receipt of copy of this order.

7. In view of the above, W.P.(MD).Nos.7915 and 15562 of 2021 stand dismissed whereas, W.P(MD).No.16698 of 2020 stands closed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Sn

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintendent of Police,
Madurai, Madurai District.
- 3.The District Revenue Officer,
Madurai District, Madurai.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.
- 5.The Sub Inspector of Police,
Melavalavu Police Station,
Melavalavu,
Melur Taluk,
Madurai District.
- 6.The Chairman,
Tamilnadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600001.
- 7.The Superintendent of Wakf,
Tamilnadu Wakf Board,
No.1, Town Hall Road Main Building 2nd Floor,
Madurai-625001.



+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21456[F] dated 26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21702[F] dated 27/04/2022)

+1 CC to M/s.T. THIRUMURUGAN, Advocate (SR-21228[F] dated 26/04/2022)

W.P(MD) .Nos.16698 of 2020 etc., batch
25.04.2022

RD(12.05.2022) 6P 11C