



W.P.(MD)No.24484 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.24484 of 2022

1. N.Syed Zakir
2. Rafiq Basha

... Petitioners

Vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 009.

2. The Superintendent of Wakf,
Office of the Trichy Central Wakf Superintendent,
No.8/124, 2nd Floor,
Quide Milleth Road,
Palakkarai,
Trichy – 8.

....Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents to pass appropriate orders by appointing the Hereditary Trustee as well as to conduct election for another Hereditary Trustee post for the Natharsha Dargah, Natharsha Pallivasal Street, Madurai Road, Trichy – 8 in



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accordance with the scheme decree in O.S.No.91 of 1925 on the file of the learned Subordinate Judge, Tiruchirappalli dated 29.01.1930, by considering the Petitioner's representation dated 23.09.2022.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.Haja Mohideen Gisthi
Senior Standing Counsel
Assitd. by Mr.D.S.Haroon Rasheed
Standing Counsel

ORDER

This Writ Petition has been filed to direct the Respondents to pass appropriate orders by appointing the Hereditary Trustee as well as to conduct election for another Hereditary Trustee post for the Natharsha Dargah, Natharsha Pallivasal Street, Madurai Road, Trichy in accordance with the scheme decree in O.S.No.91 of 1925 on the file of the learned Subordinate Judge, Tiruchirappalli dated 29.01.1930, by considering the Petitioner's representation dated 23.09.2022.

2. It is submitted that the “Natharsha Dargah” situated at Trichy Town originated almost more than ten centuries ago in the name of Tabl-e-Aalam badshah Natharsha Dargah The Petitioners herein are the



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descendants and members of the said “Natharsha Dargah”. After the advent of the Wakf Act, the administration and management is being vested with the Board of Trustees consisting of five members. Out of the five Managing Trustees, one will be appointed as Hereditary Trustee on primogeniture basis from the male descendants and another will be elected among the branch of members and consequently, they will be nominated as trustees. The remaining three members will be appointed by the Tamil Nadu Wakf Board in every three years as non-hereditary trustees. From the Board of Trustees elected, one among them will hold “Executive Trustee” post and for one year. On 07.04.2022, the 1st Respondent Board has appointed three members, namely, Janab.A.Allahbaksh @ Mohammed Ghouse, Janab.N.A.Noordeen and Janab.M.Syed Salavudeen as Trustees for the “Natharsha Dargah”. However, there is no reference with regard to the Hereditary Trustees and no orders have been passed recognizing them. As such, the very formation of Board of Trustees itself is questionable as the non-hereditary trustees cannot act unilaterally without the Hereditary Trustees. Now, the said Janab.A.Allahbaksh @ Mohammed Ghouse was elected for the post of “Executive Trustee” by the three Trustees themselves



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without even appointing the remaining two Trustees as per the scheme decree and they are acting contrary to the scheme decree, which cannot be sustained. In such circumstances, the Petitioners sent a representation to the Respondents dated 23.09.2022 on behalf of several other members of the said Dargah to the 1st Respondent and to conduct election in respect of one Hereditary Trustee, which is other than the Trustee who will be automatically nominated by way of first succession from male descendant. However, till date, the Respondents have not taken any action on the representation of the Petitioner. Hence, the present Writ Petition has been filed.

3. It is submitted by the learned Senior Standing Counsel for the Respondents that the representation of the Petitioner would be considered and orders passed thereon in accordance with law.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.



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5. In view of the above submission and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the concerned Respondent to consider the Petitioner's representation dated 23.09.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order after granting opportunity to the Petitioner and also putting all interested parties on notice. It is made clear that this Court has not expressed any view with regard to the merits of the representation and it is open to the concerned Respondent to consider the representation on its own merits.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes / No

Speaking Order : Yes / No

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MOHAMMED SHAFFIQ, J.

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