



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

WEB COPY

W.P. (MD)No.5556 of 2016

K.Nazirkhan

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
No.54/15, S.N.High Road,
Tirunelveli - 627 001.

3. The Inspector of Wakf,
Tamil Nadu Wakf Board,
No.54/15, S.N.High Road,
Tirunelveli - 627 001.

... Respondents

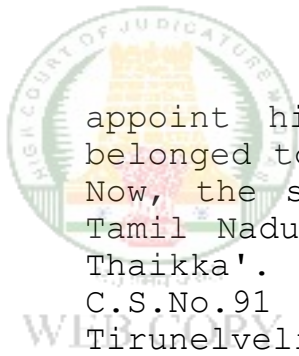
PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 30.01.2016 on merit.

For Petitioner :	Mr.Niranjana for Mr.G.S.Asok Adhithyan
For Respondents:	Mr.G.Chandrasekar Standing counsel

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 30.01.2016.

2. The petitioner's grievance is that the property called 'Mohammed Gouse Thaikka' situated in Tirunelveli District, Kandiyaaperi Village, is a notified Wakf. Its Registration Number is G.S.735 DDN 193 and the same is now under the control of Tamil Nadu Wakf Board. The petitioner's grandfather and his family members governed and administered the 'Mohammed Gouse Thaikka' as 'Muthavalli'. Due to family circumstances, the family members and the legal heirs of the petitioner migrated to Mumbai. Thereafter, the petitioner has sent a representation to the Wakf Board on 27.02.2012, followed by another representation, dated 20.04.2015. In the said representation, the petitioner has sought permission to



appoint him as 'Muthawalli' of 'Mohammed Gouse Thaikka', which belonged to the forefather and the family members of the petitioner. Now, the same has been encroached by a third person. However, the Tamil Nadu Wakf Board have failed to maintain the 'Mohammed Gouse Thaikka'. Therefore, the petitioner has filed a Civil Suit in C.S.No.91 of 2012 before the Wakf Tribunal, Principal Sub Judge, Tirunelveli.

3. The Tamil Nadu Wakf Board has filed written statement admitting that the defendants 1 and 2 are trespassers. Thus, the petitioner is a recognized person to administer the 'Mohammed Gouse Thaikka'.

4. However, the learned counsel for the petitioner submits that on the representation sent by the petitioner, the Inspector of Wakf Board, Tirunelveli, had sent a communication vide Na.Ka.No.735/தி.வேலி/வ.ஆ/தி.வேலி, dated 17.12.2015 to the Chief Executive Officer, Tamil Nadu Wakf Board, in which, he had made a recommendation in favour of the petitioner. However, no action has been taken. Hence, the above petition has been filed.

5. Mr.G.Chandrasekar, learned Standing Counsel appearing for the respondents submits that the petitioner's representation has been considered by the authorities and therefore, the prayer cannot be entertained.

6. From the records, it is seen that the Wakf Board is entrusted to appoint the Muthawalli. Hence, on the basis of the representation made by the petitioner, the Inspector of Wakf Board had given a recommendation to the Chief Executive Officer in favour of the petitioner. Therefore, the Chief Executive Officer, who is none other than the member of the Board, has to pass appropriate order. Thereafter, the Executive Officer would take appropriate action.

7. Considering the submission, there shall be a direction to the Wakf Board to consider the representation of the petitioner, dated 30.01.2016 and dispose of the same within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Admn.I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



vji

To

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