



WEB COPY



W.P.No.9467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9467 of 2023

Janab. Abdul Wahab

... Petitioner

-Vs-

1.The Chairman

Tamil Nadu Waqf Board
No.1, Jaffer Syrang Stret
Vallal Seethakathi Nagar
Chennai-600 001.

2. The Chief Executive Officer

Tamil Nadu Waqf Board
No.1 Jaffer Syrang Stret
Vallal Seethakathi Nagar
Chennai-600 001.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to cause amendment in the Registration of waqf under Section 41 of the Waqf Act, 1995 by considering the representation dated 20.02.2023 within a stipulated time.

For Petitioner

Mr.M.M.I.Khaleel

For Respondents

Mr.G.Mohammed Aseef
Standing Counsel



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 20.02.2023, wherein the petitioner is seeking for amendment in the registration of Wakf u/s 41 of the Wakf Act (for brevity "the Act").

2.The case of the petitioner is that P.C.Nainar Mohammed Rowthar Wakf was created by P.C.Nainar Mohammed Rowthar in the year 1954. He intended that the rule of succession should be hereditary and he dedicated certain properties. The Wakf is a notified Wakf and registered u/s 36 of the Act, 1955 with registration No.276/Dindugal.

3.The further case of the petitioner is that the Muthavalli named P.C.Meeran Mohammed executed a gift deed in favour of Dindugal Muslim Kalvi Sangam, through a registered sale deed dated 16.03.1986. The settled property was not utilized and no School was run. The petitioner therefore took steps to cancel the settlement deed and accordingly, it was also cancelled through Document No.795/2012.

4.In view of the above development, the petitioner sought for the amendment in the registration of Wakf u/s 41 of the Act. Since the same was not considered, the present writ petition has been filed before this Court.

5.Heard Mr.M.M.I.Khaleel, learned counsel for the petitioner and Mr.G.Mohammed



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Aseef, learned Standing Counsel for the respondents.

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6.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 first respondent to consider the representation made by the petitioner on 20.02.2023, wherein the petitioner has sought for the amendment in the registration of Wakf and deal with the same on its own merits and in accordance with law and the first respondent shall take a decision within a period of **twelve weeks** from the date of receipt of copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

18.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No

To

1.The Chairman

Tamil Nadu Waqf Board
No.1, Jaffer Syrang Stret
Vallal Seethakathi Nagar
Chennai-600 001.

2. The Chief Executive Officer

Tamil Nadu Waqf Board
No.1 Jaffer Syrang Stret
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N.ANAND VENKATESH, J.



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