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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.11094 of 2023
and W.M.P No.10957 of 2023

G.Syed Akbar Hasan

Petitioner

vs.

1.The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

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

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conduct an enquiry and pass appropriate order in the Petition filed by the Petitioner on 20.05.2022 within a period of stipulated time.

For Petitioner : Mr.M.M.I.Khaleel

For Respondents : Mr.R.Abdul Mubeen
Standing Counsel

**ORDER**

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This writ petition has been filed for issue of writ of mandamus directing the respondents to consider and take a decision on the representation/petition filed by the petitioner on 20.05.2022, within the time frame fixed by this Court.

2.Heard Mr.M.M.I.Khaleel, learned counsel appearing on behalf of the petitioner and Mr.R.Abdul Mubeen, learned Standing Counsel appearing on behalf of the respondents.

3.The case of the petitioner is that Waqf namely Hazarath Thable Alam Badhusa Nathar Vali Dargah Waqf is a public property which is under the supervision and control of the Tamil Nadu Waqf Board. The Rule of succession to the office of the muthawalli is governed by a scheme decree that was passed in O.S.No.91 of 1925 through judgment and decree dated 29.01.1930. The grandfather of the petitioner was managing and administering the Waqf and after his demise, his descendants were managing and administering the Waqf. Ultimately, the father of the petitioner, who was holding the administration of the Waqf died on 12.03.2016. Thereafter, the Waqf Board by proceedings dated 02.11.2018 appointed the petitioner as the hereditary Trustee for a period of five years.



4.The grievance of the petitioner is that he is a hereditary Trustee as per the scheme decree and the resolution that was passed did not limit the tenure of the petitioner and whereas, the proceedings dated 02.11.2018 restricted the period of hereditary Trusteeship to five years. Aggrieved by the same, the petitioner made a representation to the respondents on 20.05.2022 and since the same was not acted upon, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and without going into the merits of the case and considering the limited relief sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 20.05.2022 on its own merits and in accordance with law and take a decision, within a period of six weeks from the date of receipt of copy of this order and convey the same to the petitioner.

6.This writ petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

13.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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N. ANAND VENKATESH, J.

SSR

To

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