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W.P.No.11384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11384 of 2023
and WMP No. 11281 of 2023

S.M.Haji Mansoor

... Petitioner

-Vs-

The Wakf Officer
Puducherry State Wakf Board
No.1 & 3, 3rd Floor
Yenam Venkatachalam Pillai Street
Puducherry 605001.

.. Respondent

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call records of the respondent ending with No.13/Va.Vaa/Va.A/2015/2023 dated 1.3.2023 and quash the same.

For Petitioner Mr.N.A.Nassir Hussain

For Respondent Mr.R.Sreedhar
Additional Government Pleader

ORDER

This writ petition has been filed by the Muthavalli of Mohaiyadeen Sahibu Andavar Mosque assailing the proceedings of the respondent in No.13/Va.Vaa/Va.A/2015/2023 dated 01.03.2023.



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2. Heard Mr.N.A.Nassir Hussain, learned counsel for the petitioner and Mr.R.Sreedhar, learned Additional Government Pleader for the respondent.

3.The case of the petitioner is that the Mohaiyadeen Sahibu Andavar Mosque maintains its own register of marriages and record the marriages that are conducted in that Mosque. The grievance of the petitioner is that the respondent by virtue of issuing the impugned proceedings is now forcing the Mosque, to hand over the register of marriage to the Government Kazi who has no nexus to the administration of the Wakf. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned Additional Government Pleader appearing on behalf of the respondent submitted that the petitioner is attempting to read something more than what has been stated in the impugned proceedings dated 01.03.2023. The learned Additional Government Pleader submitted that the impugned proceedings merely directed the maintenance of the marriage register by the Kazi appointed by the Government wherever the marriage is solemnized by the Kazi. There is no insistence for any Mosque to hand over the register of marriage maintained by them. Therefore, the learned Additional Government Pleader submitted that there are absolutely no grounds to maintain the present writ petition before this Court.

5.In reply to the said submission, the learned counsel for the petitioner submitted that there is pressure to the Mosque to hand over the marriage register to the Government Kazi,



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who has no nexus to the administration work.

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6.In the considered view of this Court, the purport of the impugned proceedings dated 01.03.2023, is that the Government Kazi, who conducts the marriage and register the same will have to maintain the marriage register. No where in the impugned proceedings, there is any insistence on any Mosque to hand over the marriage register to the Government Kazi. In view of the same, it is clear that the apprehension raised by the petitioner is not borne out by the impugned proceedings issued by the respondent. The impugned proceedings merely confines itself to the maintenance of the register of the marriages by the Government Kazi wherever the marriage is conducted by the Government Kazi. It will suffice to clarify the impugned proceedings accordingly.

7.This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No

To

The Wakf Officer

Puducherry State Wakf Board

No.1 & 3, 3rd Floor,Yenam Venkatachalam Pillai Street

Puducherry 605001.



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N.ANAND VENKATESH, J.

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