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W.P.No.20619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20619 of 2023

K.Hassan Ali

...Petitioner

Vs.

1.State of Tamil Nadu

Represented by its Secretary
Department of Wakfs
Secretariat, Fort St.George
Chennai 600 009.

2.The Chief Executive Officer

Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001.

3.The Chairman

Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001.

4.The Superintendent of Wakfs

Office of the Superintendent of Wakfs
Chennai No.139, De.Besant Road
Triplicane, Chennai 600 005.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent herein to publish the result pertaining to Selection of Muthawallis/Trustees in view of the communication of the second respondent dated 01.03.2023 in RC.No.13499/06/B6/Chn for the Wakf namely the Fazeelathunissa Begum Saheba Mosque, Nandanam, Chennai within the time frame.

For Petitioner : Mr.H.Shabeer Ali

For Respondents : Mrs.S.Anitha for R1
Special Government Pleader
Mr.R.Abdul Mubeen for R2 to R4
Standing Counsel (Wakf Board)

ORDER

The petitioner herein seeks a direction to the third respondent to publish the result pertaining to selection of Muthwallis/Trustees, as per the communication of the second respondent dated 01.03.2023.



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2. According to the petitioner, the Wakf viz, Fazeelathunissa Begum Saheba Mosque, Nandanam, Chennai, is covered by the scheme passed in OS.No.63 of 1940. Now by virtue of enactment of Wakf Act, the Scheme Court's power is available to the third respondent.

3. It is seen from the typed set of papers that there were number of litigations regarding conduct of elections to appoint Muthwallis for the above said Wakf. When the Contempt Petition had come before this Court on 21.04.2023, it was informed by the third respondent that the election process was already over and the trustees have been selected to the Wakf and the matter is pending before the third respondent Court for consideration.

4. The third respondent Court has not considered the result and passed any resolution, till date.

5. The main grievance of the petitioner is that eventhough the election process is already over, till date the third respondent has not published the result.



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6. In view of the fact that the election process was already over, this Court is inclined to issue a direction to the respondents 2 & 3 to complete the process of declaration of results of the election and appointment of Muthawallis within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

12.07.2023

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

To

- 1.The Secretary
Department of Wakfs
Secretariat, Fort St.George
Chennai 600 009.
- 2.The Chief Executive Officer
Tamil Nadu Wakf Board
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3.The Chairman

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S.SOUNTHAR, J.
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