



W.P.No.11565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11565 of 2023

M.I.Abubakkar

...Petitioner

Vs

1. The District Collector,
Dharmapuri District.
2. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Parrys, Chennai.

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus seeking direction to the Respondents 1 and 2 herein permitted the Petitioner's uncle Mr.D.M.Kadhar Basha as act as a role of President to maintain and deal with the movable and immovable and trust properties for the welfare of the family and poor people by considering the Petitioner's representation dated 19.08.2022 within the time to be stipulated by this Court.

For Petitioner : Mr.M.I.Abubakkar



WEB COPY



W.P.No.11565 of 2023

For Respondents : Mr.A.M.Ayyadurai (for R1)
Government Advocate

Mr.S.Hajamohideen Gisthi (for R2)

ORDER

This writ petition has been filed by the petitioner who is appearing party in person seeking for a direction to the respondent to permit the uncle of the petitioner to act as the President of the Waqf and deal with the movable and immovable properties belonging to the trust based on the representation made by the petitioner on 19.08.2023.

2. Heard Mr.I.Abubakkar, learned counsel for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate appearing on behalf of 1st respondent and MR.S.Haja Mohideen Gisthi, learned Standing counsel appearing on behalf of 2nd respondent.

3. It is clear from the records that the Waqf has been created in the subject property and it is under the control



W.P.No.11565 of 2023

WEB COPY

of the Waqf Board in GS No.227/SLM. The grievance of the petitioner is that his uncle viz Kadhar Basha must be permitted to act as the President in order to maintain and deal with the movable and immovable properties to satisfy the wishes of the grand father of the petitioner, who created the Waqf. A representation was given to the Waqf Board in this regard and the same was not considered. Hence, this writ petition has been filed before this Court seeking for appropriate directions.

4. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 19.08.2022 and deal with the same on its own merits and in accordance with law and after affording an opportunity to all the interested parties concerned. A decision shall be taken by the 2nd respondent on the representation made by the petitioner within a period of three months from the date of receipt of a



W.P.No.11565 of 2023

WEB COPY

copy of this order.

5. This writ petition is disposed of accordingly. No costs.

17.04.2023

rka

To

1. The District Collector,
Dharmapuri District.
2. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Parrys, Chennai.



WEB COPY



W.P.No.11565 of 2023

N.ANAND VENKATESH.,J
rka

W.P.No.11565 of 2023

17.04.2023