



WEB COPY



W.P. No. 29653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29653 of 2023

Hazarath Syed Sha Khasim Hussai Darga,
Mosque & Burial Ground,
Rep. by its Hereditary Muthawalli,
Syed Zakir Hussain,
Khasimpura Lalapet,
Gudiyatham Road,
Pernambut – 635 810,
Vellore District.

... Petitioner

-VS-

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

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to consider my representation dated 14.10.2022 within a period of stipulated time.

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

For Respondent : Mr. M.Fakkir Mohideen



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ORDER

Heard Mr. M.M.I.Khaleel, Learned Counsel for the Petitioner and Mr. M.Fakkir Mohideen, Learned Counsel, who takes notice for the Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 14.10.2022 to the Respondent to extend his tenure as Muthawalli, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 14.10.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the



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Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;

- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.12.2023 under written acknowledgment; and
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

13.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 30.10.2023.

vjt



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To

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

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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