



WP No.31878 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.31878 of 2023

Madurai Farooq Ahmed

: Petitioner

versus

- 1.The Tamil Nadu Waqf Board,
rep. By its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Seetha Kathi Nagar, Chennai 1
- 2.The Tamil Nadu Waqf Board,
rep. By its Vellore Zonal Superintendent,
No.8, Bahadur Shah Masjid
Arni Road, Sayeenathapuram,
Vellore 632 601

3.D.Anees Ahmed

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to restrain the third respondent from conducting Urs function on 30.11.2023 in Hazrat mastan Auliya Dargah and extracting money from innocent devotees and public in the name of Urs function.

For the Petitioner : Mr.P.Thiagarajan

For Respondents 1 & 2 : Mr.Haja Mohideen Gisthi
Senior Standing Counsel

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Thiagarajan, learned counsel for the petitioner and Mr.Haja Moideen Gisthi, learned Senior Standing Counsel for respondents 1 and 2.

2. The learned counsel for the petitioner submits that the third respondent is neither authorised nor entitled nor eligible to conduct Urs of Hazrat Mastan Avuliya Kadari Dargah Shariff.

3. According to the learned counsel, direction has been given by this Court on 03.11.2022, in a writ petition filed by the petitioner in WP No.28444 of 2022, thereby directing respondents 1 and 2 to expedite the enquiry and to pass final orders within eight weeks. The learned counsel submits that initially the second respondent was conducting the enquiry, then, it was transferred to the first respondent. Enquiry has been concluded. However, no orders are passed by the Wakf Board. The third respondent has issued an advertisement for conducting the Urs on 30.11.2023. Sandal would take place on 01.12.2023.



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4. The orders are already passed by this Court with regard to the enquiry. If the orders are not complied with by the Wakf Board, remedy is available.

5. In fact, the petitioner is tapping the wrong forum. If according to the petitioner, some rights are violated with regard to the Wakf property, then, he has a remedy under Section 83 of the Wakf Act. The Tribunal has powers to pass interim injunction orders also. The Tribunal has all the powers of the civil court. The petitioner may resort to appropriate remedy as may be permissible. The writ petition is accordingly disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

08.11.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Seetha Kathi Nagar, Chennai 1

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THE HON'BLE CHIEF JUSTICE

AND

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(tar)

2.The Vellore Zonal Superintendent,
Tamil Nadu Waqf Board,
No.8, Bahadur Shah Masjid
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