



W.P. No. 33232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

W.P. No. 33232 of 2023

M.I.Mubarak Ali

... Petitioner

-VS-

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
George Town,
Chennai – 600 001.
2. The Office Bearers,
Jamia Big Pallivasal Wakf,
Pattur,
Mosqu Colony,
Kancheepuram District – 600 122.
3. The Superintendent of Wakf,
Poonamallee Zone,
Poonamallee Big Pallivasal,
Kancheepuram District – 600 056.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider and dispose of the Petitioner's representation dated 05.09.2023, subsequently to handover the Petitioner's shops situated in Bazar Street, Mangadu.



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For Petitioner : Mr. T.Nixon

For Respondents : Mr. Haja Mohideen Gisthi
Standing Counsel (for R1 & R3)

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ORDER

Heard Mr. T.Nixon, Learned Counsel for the Petitioner and Mr. Haja Mohideen Gisthi, Learned Standing Counsel, who takes notice for the First and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Second Respondent, notice to them is dispensed with.

3. The grievance ventilated by the Petitioner is that one A.L.Imithias was a tenant of the shop belonging to the Waqf of the Second Respondent and subsequently, the Petitioner has been carrying on business in his name for which lease has also been transferred by the Second Respondent. It is stated that the Second Respondent had informed the Petitioner that they intend to demolish the dilapidated building and re-construct it, and despite request made



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by the Petitioner, the concerned authorities have not re-constructed the shop. In that backdrop, the Petitioner claims to have made a representation dated 05.09.2023 to the Respondents to re-construct the shop and grant lease of the same for him to continue to carry on business, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy included, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 05.09.2023 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 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;



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(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 under written acknowledgment; and

(v) the report of such compliance shall be filed by 31.03.2024 before the

Registrar (Judicial) of the Court.

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

28.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

vjt

To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
George Town,
Chennai – 600 001.
2. The Office Bearers,
Jamia Big Pallivasal Wakf,
Pattur,
Mosqu Colony,
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3. The Superintendent of Wakf,
Poonamallee Zone,
Poonamallee Big Pallivasal,
Kancheepuram District – 600 056.

Copy to

1.M.I.Mubarak Ali
S/o. Late A.M. Mohammed Ismail,
No. 38/36 North Street, Pattu,
Mangadu, Chennai 600 122.

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



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P.D. AUDIKESAVALU, J.

vjt

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