



WEB COPY



W.P. No. 32611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

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

W.P. No. 32611 of 2023

Mohammed Zabeehullah

... Petitioner

-VS-

1. Tamil Nadu Waqf Board
Rep. By its Chairman
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 600001.

2. The Chief Executive Officer
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 600001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider the representation dated 31.07.2023 within a stipulated period.

For Petitioner : Mr. A.Ajimath Begam

For Respondents : Mr. G.Mohamed Aseef (RR1 & 2)



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ORDER

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Heard Mr. A.Ajimath Begam, Learned Counsel for the Petitioner and Mr. G.Mohamed Aseef, Learned Counsel, who takes notice for the First and Second Respondents 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 31.07.2023 to the First and Second Respondents for treating him as Hereditary Trustee of Aqhal Sha & Anwar Sha Makkan Kabarasthan Waqf relying upon the proforma of the Waqf recorded under Section 37 of the Waqf Act, 1995, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

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

- (i) the concerned authority shall immediately examine the representation dated 31.07.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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(ii) if it is found that any other details or supporting documents is necessary,

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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;

(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 this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

20.11.2023

Index: Yes/No

NCC: Yes/No

Maya

Note: Issue order copy by 08.01.2024.



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P.D. AUDIKESAVALU, J.

Maya

To

1. The Chairman
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 600001.
2. The Chief Executive Officer
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 600001.

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Copy to

1. Mohammed Zabeehullah,
S/o. Mohammed Ibrahim,
No.10/3, Manager Street, Arcot,
Ranipet District.
2. The Registrar (Judicial)
Madras High Court,
Chennai 600 104.

20.11.2023