



WEB COPY



W.P.No.36410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2023

CORAM :

THE HON'BLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.36410 of 2023

and

WMP Nos.36419 & 36421 of 2023

E.Niyamathullah

...Petitioner

vs.

1. State of Tamil Nadu,
rep. by its Secretary,
Department of Wakfs,
Secretariat, Fort St. George,
Chennai – 600 009.

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

3. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.



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4. The Superintendent of Wakfs,
Office of the Superintendent of Wakfs,
Chennai, No.139, De.Besant Road,
Triplicane, Chennai – 600 005.

5. Mohammed Mujeebur Rahman

6. Mohammed Nayeemur Rahman

7. Abid Nawaz

8. Jaseem Mohamed

9. Riyaz Ahmed

10. K.Shajahan

11. N.Ayub Khan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein dated 16.12.2023 in Se.Mu.Order No.13499/06/A6/Chennai and quash the same and consequently direct the 3rd respondent to select the Managing Committee for the Wakf namely “Nawab Fazeelathunnissa Begum Saheba Mosque and Endowments” as per the Scheme Decree formulated in O.S.No.63/1940 on the file of Hon'ble Subordinate Court, Chengalpet.



W.P.No.36410 of 2023

For Petitioner :: Mr.M.Parthasarathy, Sr. Counsel

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

ORDER

The order appointing Muthawalli is being challenged in this writ petition.

2. It is assailable to challenge before the Wakf Tribunal under Section 83 of the Wakf Act.

3. Hence, granting liberty to the writ petitioner to move the Wakf Tribunal, this writ petition is dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

28.12.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No.

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V.LAKSHMINARAYANAN, J.

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To

1. The Secretary,
Department of Wakfs,
Secretariat, Fort St. George,
Chennai – 600 009.

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

3. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600 001.

4. The Superintendent of Wakfs,
Office of the Superintendent of Wakfs,
Chennai, No.139, De.Besant Road,
Triplicane, Chennai – 600 005.

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(2/2)

28.12.2023