



W.P. (MD) No. 786 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 786 of 2023

A.Yousuf

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai.

2. Meerasa Andavar Pallivasal @
Kuthba Prayer Mosque,
Represented by its
Executive Officer / Superintendent of Waqfs,
Tirunelveli, Muslim Street, Kanyakumari - 629 702,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to take appropriate action to cancel the registered lease deed in Doc.No. 3034 of 2001 on the file of the Sub Registrar, Kottaram, Kanyakumari District based on the petition submitted by the petitioner dated 13.10.2022 within the time stipulated by this Hon'ble Court.



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For Petitioner : Mr. Arun Swaminathan

For Respondents : Mr. D.S.Haroon Rasheed

ORDER

Heard Mr. Arun Swaminathan, Learned Counsel for the Petitioner and Mr. D.S.Haroon Rasheed, Learned Counsel who takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed for directing the First Respondent to take action to cancel the registered lease deed in Doc. No. 3034 of 2001 on the file of the Sub Registrar, Kottaram, Kanyakumari District, based on the representation dated 13.10.2022 made by the Petitioner.

3. Learned Counsel appearing for the First and Second Respondents, on instructions, states that the enquiry in the said representation made by the Petitioner has been fixed on 08.02.2023 and he has filed a memo to that effect.



4. Ms. H.Jasima Yasmin, Learned Counsel states that she is representing the previous committee office bearers of the Second Respondent and they should also be heard in the matter during the aforesaid enquiry.

5. It shall be incumbent upon the First Respondent to ensure that there are atleast two effective hearings every week showing progress of the case and proceed to determine the matter following the prescribed procedure after affording full opportunity of personal hearing to all parties concerned including the Petitioner and office bearers of the previous Committee and pass reasoned orders on merits and in accordance with law and communicate the decision taken under written acknowledgment. Such exercise shall be completed by 31.03.2023 and report of compliance filed before the Registrar (Judicial) of the Court. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved between the parties.

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



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costs.

12.01.2023

PKN

Index : Yes/No

Note: Issue order copy by 27.01.2023.

To

The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai.



WEB COPY



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P.D.AUDIKESAVALU,J.

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