



W.P.(MD).No.4819 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.4819 of 2023

A.R.Maheen Abubacker

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Mannady, Chennai-600 001.

2.The Superintendent of Waqf,
Waqf Board Office, Tirunelveli,
Tirunelveli District.

3.The Waqf Inspector,
Waqf Board Office, Tirunelveli,
Tirunelveli District.

4.Shaik Mohamed Junaith

... Respondents

*(R4 is impleaded, vide Court order, dated
30.03.2023, in WMP(MD)No.5239 of 2023
in WP(MD)No.4819 of 2023)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,



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praying this Court to issue a ***Writ of Mandamus***, to direct the 1st respondent to consider the petitioner's representation, dated 10.02.2023, within the stipulated time and thereby, to direct the 1st respondent to appoint a New Muthawali cum Sajjadah Nasheen (Successor of the Saint and Religious Head of the institution) of the said Abdul Ali Abdul Musaliar Sheik Jamalia Darga alias Jamalia Darga notified in the Government Notification, dated 03.12.1958, vide No.G1/38.

For Petitioner : Mr.A.J.Mohamed Kassim
For R1 to 3 : Mr.K.K.Senthil

ORDER

This writ petition is filed for issuance of a writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation, dated 10.02.2023, within the stipulated time and thereby, to direct the 1st respondent to appoint a New Muthawali cum Sajjadah Nasheen (Successor of the Saint and Religious Head of the institution) of the said Abdul Ali Abdul Musaliar Sheik Jamalia Darga alias Jamalia Darga notified in the Government Notification, dated 03.12.1958, vide No.G1/38.

2.The learned Standing Counsel appearing for the respondents 1 to



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3 submitted that they had received the representation and it is under consideration. Therefore, the respondents shall consider the petitioner's representation. However, there are rival claimants / objections. Therefore, the respondents are directed to issue notice to the petitioner as well as to the rival claimants and consider the petitioner's claim in accordance to law and pass orders. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

3. With the above said observation, the writ petition is allowed. No costs.

07.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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S.SRIMATHY, J.

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