



W.P.(MD) No.8407 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8407 of 2023

and

W.M.P(MD) Nos.7728 and 7729 of 2023

Keela Muhalla Melakatchi Muslim Jamath,
Kadayanallur,
Rep by its Managing Committee Member,
M.S.Mohammed Hanifa
s/o.M.P.Sinda Madhaar,
83/12, Kalantha Masthan Street,
Kadayanallur,
Thirunelveli District.

... Petitioner

Vs.

- 1.The Tamil Nadu Waqf Board,
Represented by its Chairman,
Chennai.
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai.
- 3.The Superintendent of Waqf,
Durga Building,
No.54, S.N.High Road,
Sripuram, Tirunelveli.



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4.The Muthawalli,
Keezhatheru Naina Mohammed Jumma Pallivasal,
Kadayanallur,
Tirunelveli.

5.S.A.Shiek Meeran

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.16721/02/AA1/T.Veli, dated 21.03.2023 and quash the same in respect of approving the representative of Melakatchi i.e., the fifth respondent and consequently direct the second respondent to approve the petitioner as representative of Melakatchi to the Managing Committee of the fourth respondent Pallivasal constituted as per the scheme dated 27.10.1999.

For Petitioner : Mr.H.Arumugam

For R1 to R3 : Mr.S.A.Ajmalkhan

For R4 : Mr.AN.Ramanathan

For R5 : Mr.V.Meenakshisundaram
for Mr.T.S.Mohamed Mohideen



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ORDER

The above writ petition has been filed for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Na.Ka.No.16721/02/AA1/T.Veli, dated 21.03.2023 and quash the same in respect of approving the representative of Melakatchi i.e., the fifth respondent and consequently direct the second respondent to approve the petitioner as representative of Melakatchi to the Managing Committee of the fourth respondent Pallivasal constituted as per the scheme dated 27.10.1999.

2. On a perusal of the report of the Inspector of Wakf, which forms the basis of the impugned order, it is seen that the Inspector has not gone into the truth and veracity of the resolution submitted by the petitioner and the fifth respondent.

3. Without considering the above, he has proceeded to select the fifth respondent on totally extraneous reasons unconnected with the Rules and Bye-laws. Therefore, the impugned order insofar as selection



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of the members of the Melakatchi Jamath alone is remitted back to the first respondent. It is made clear that the second respondent has to test the truth and veracity of two resolutions of the very same day passed and submitted by the petitioner and the fifth respondent respectively. The said exercise shall be completed within a period of five weeks from the date of receipt of a copy of this order and compliance shall be reported to this Court. It is needless to state that the second respondent shall afford an opportunity of personal hearing to both petitioner as well as the fifth respondent and they will be permitted to file necessary documents. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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P.T.ASHA, J.

cp

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