



W.P.(MD) No.8910 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8910 of 2023

Syed Aliyar Sha

.. Petitioner

Vs.

1.The Chief Executive Officer,
Tamilnadu Wakf Board,
No.1, Jaffer Sirang Road,
Vallal Seedhakkadhi Nagar,
Chennai-600 001.

2.The District Collector,
Madurai District, Madurai.

3.The Superintendent of Wakfs,
Regional Office,
No.1, Town Hall Road, Pallivasal 2nd Floor,
Madurai Zone, Madurai.

4.The Revenue Divisional Officer,
Madurai North,
Madurai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus directing the second and



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fourth respondents to dispose the petitioner's application filed u/s.68(2) of Wakf Act dated 11.02.2023 and consequently directing the fourth respondent to ensure the petitioner to discharge his function as Muthavalli based on the order passed by the first respondent dated 30.06.2022 in Se.Mu.Anai 5440/18/Aa8/Madurai.

For Petitioner	:	Mr.P.T.Ramesh Raja
For RR1 & 3	:	Mr.D.S.Haroon Rasheed Standing Counsel
For RR2 & 4	:	Mr.A.Sivanupandian Government Advocate

ORDER

The petitioner herein has filed an application under Section 68(2) of the Waqf Act, 1995 (hereinafter referred to as “the Act”) seeking a direction for opening the Dargah, which has been wrongfully closed by certain persons and to take action against them and consequently, issue direction to the petitioner, who is the Mutawalli appointed by the Board to take charge of the Dargah.



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2. The petitioner would contend that though he had been appointed as the Mutawalli of the Hasarath Aliyar Sha Dargah, Khanpalayam 1st Street, Madurai, by orders of the Waqf Board, however he has not been able to take control of the Dargah, as one Syed Raffiq has been using criminal force to prevent the petitioner from performing his duties as Mutawalli. Complaints have been lodged which are of no avail. Thereafter, the petitioner has sent several representations to the authorities concerned to take action against the miscreants. Since no orders have been passed on the representations, he has filed the above application. However, the same is yet to be taken up and disposed of. Hence, the writ petition.

3. Learned counsel for the petitioner submits that in order to ensure the smooth running of the Dargah, there is a necessity for the petitioner's application to be disposed of at the earliest. Hence, he prays for allowing of this writ petition.



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4. Heard the learned counsel on either side.

5. The request of the petitioner appears to be reasonable and considering the ground situation, the appointment of a Mutawalli is imperative. Therefore, this Writ Petition is disposed of directing the fourth respondent to issue notice to all the parties concerned and pass orders on the application filed under Section 68(2) of the Act within a period of four weeks from the date of receipt of a copy of this order. No costs.

19.04.2023

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

abr



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P.T.ASHA, J.

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