



W.P.(MD).No.16394 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16394 of 2023

M.Y.Basheer Ahmed

... Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallalseethatki Nagar,
Chennai 600 001.

2.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Madurai Region,
Town Hall Road,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take on file and record the Management of Waqf in terms of Section 42 of the Waqf Act, 1995 by considering the petitioner's representation dated 23.02.2023 within the time that may be stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.G.Chandrasekar,
Standing Counsel.

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had submitted a representation to the respondents on 23.02.2023 to take a change in the Management of Waqf in terms of Section 42 of the Waqf Act, 1995. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking



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its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 23.02.2023 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

07.07.2023

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



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S.SRIMATHY, J.

Nsr

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