



W.P.(MD)No.22851 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 22851 of 2023
and
W.M.P(MD)No.19086 of 2023

Jamal Mohammed

... Petitioner

Vs

1.The Chairman

Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Road,
Vallal Seethakkathi Nagar,
Custom House Back Side,
Chennai - 600 001.

2.The Chief Executive Officer

Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Road,
Vallal Seethakkathi Nagar,
Custom House Back Side,
Chennai - 600 001.



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3.The Superintendent of Police
Tamilnadu Wakf Board,
Trichy Central Region,
No.8/124, 2nd Floor, Qaide Millath Road,
Palakkarai,
Trichy District.

4.The Inspector
Tamilnadu Wakf Board,
Trichy Central Region,
No.8/124, 2nd Floor, Qaide Millath Road,
Palakkarai,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 and 2 to appoint the committee members of the Chan Masthan Dargah and Kabarsthan Wakf, especially in a hereditary manner, in accordance with the terms of the settlement deed, dated 23.09.1895 in Doc.No.2555/1895, by considering the petitioner's representation dated 13.05.2023 in light of the Common Order in W.P(MD).Nos. 4988 and 4989 of 2023 dated 31.03.2023 before this Court.

For Petitioner : Mr.S.Mahalakshmi

For Respondents : Mr.S.A.Ajmalkhan,
Standing Counsel



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ORDER

This writ petition is filed seeking direction to the respondents 1 and 2 to appoint the committee members of the Chan Masthan Dargah and Kabarsthan Wakf, especially in a hereditary manner, in accordance with the terms of the settlement, deed 23.09.1895 in Doc.No.2555/1895, by considering the petitioner's representation, dated 13.05.2023 in light of the Common Order in W.P(MD).Nos. 4988 and 4989 of 2023 dated 31.03.2023 before this Court.

2. Heard Mr.S.Mahalakshmi, the Learned counsel appearing for the Petitioner, Mr.S.A.Ajmalkhan, the Learned Standing Counsel appearing for the Respondents and perused the material documents available on record. With consent of both the parties this writ petition is taken up for final disposal at the admission stage itself.

3. As per Proforma, appointment of Committee members is Hereditary. There is a registered settlement deed, dated 23.09.1895 in Document



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No.2555 of 1895. The said Scheme is also a recognized scheme. But, the respondents is not forming the Committee, There were several representations by persons who are not connected with the Wakf Board. The respondents shall not entertained such petition. By order, dated 31.03.2023 in W.P(MD)Nos.4988 & 4989 of 2023, this Court has already categorically held that such representations shall not be considered.

4. Therefore, the respondents shall not entertain any petitions, who are not connected to the Wakf. The respondents are strictly directed to form the Committee based on the Proforma and the settlement and the Scheme which is formulated to the present Wakf. The 1st respondent is directed to complete the said exercise within a period of six months from the date of receipt of a copy of the order.



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5. With the above terms, this Writ Petition is allowed. No Costs.

Consequently, connected miscellaneous petition is closed.

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

25.09.2023

To

- 1.The Chairman
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4.The Inspector
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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 22851 of 2023**

25.09.2023