



W.P.(MD).No.23612 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23612 of 2023

S.Syed Peersha

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Door No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Wakf,
Tamil Nadu Wakf Board,
Tirunelveli District.

4.Janab Anish

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take necessary action against the fourth respondent for his non cooperation and hindrance for the administration in Mahamotha Pallivasal alias Munsiff Sahib Muhalla Mosque, Saliar Street, Tirunelveli Town, Serial Number.13/TNV by considering the petitioner's representation dated 11.05.2023 within the period stipulated by this Court.



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For Petitioner : Mr.A.Haja Mohideen

For R-1 to R-3 : Mr.G.Chandrasekar,
Standing Counsel.

ORDER

This Writ Petition is filed for Mandamus, directing the first respondent to take necessary action against the fourth respondent for his non cooperation and hindrance for the administration in Mahamotha Pallivasal alias Munsiff Sahib Muhalla Mosque, Saliar Street, Tirunelveli Town, Serial Number.13/TNV by considering the petitioner's representation dated 11.05.2023.

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



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3. Since this Court is not hearing the case on merits, notice to the fourth respondent is dispensed with.

4. In the light of the above observations, there shall be a direction to the official respondents herein to consider the petitioner's representation dated 11.05.2023 on its own merits, after giving notice to the petitioner and the fourth respondent, after granting personal hearing to both the petitioner and the fourth respondent and then pass appropriate orders in accordance with law, within a period of twelve (12) weeks 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 the fourth respondent.

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

27.09.2023

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



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S.SRIMATHY, J.

Nsr

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