



W.P.(MD).No.23481 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23481 of 2023

A.Abdul Rahim Sait

... Petitioner

Vs.

The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Valal Seethakathi Nagar,
Chennai – 1.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to take on file and record the change in management of the Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and Sivakasi Jamath Kabirshthan Pallivasal Waqf (GS.No.111&410/MDU) by considering the petitioner's statutory application dated 12.08.2023 under Section 42 of the Waqf Act, 1995 within the time that may be stipulated by this Court.



WEB COPY



W.P.(MD).No.23481 of 2023

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.D.S.Haroon Rasheed,
Standing Counsel.

ORDER

This Writ Petition is filed for Mandamus, directing the respondent to take on file and record the change in management of the Madurai Sivakasi Shafi Muslim Jamath Jummah Pallivasal Waqf and Sivakasi Jamath Kabirshthan Pallivasal Waqf (GS.No.111&410/MDU) by considering the petitioner's statutory application dated 12.08.2023 under Section 42 of the Waqf Act, 1995.

2. The contention of the petitioner is that already the existing management term had expired in the year 2021 and it was extended upto 2022 due to Covid-19 pandemic. As per proforma, the wakf has to “select” the members. Therefore the wakf had selected its members to administer both the Jummah Pallivasal and Kabirshthan Pallivasal and submitted the same to record the change in management. Therefore, the petitioner is seeking to recognize the same.



W.P.(MD).No.23481 of 2023

WEB COPY

3. However, it was brought to the knowledge of this Court that the contesting respondents are opposing this management. Therefore, this Court directs the respondent to consider the petitioner's statutory application dated 12.08.2023. While considering the statutory application the respondents shall issue notice to the opposing respondents, especially to one Abdul Kader son of Mohamed Yusuf, who is the President of Madurai Sivakasi Shafi Muslim Jamath who had submitted petition dated 26.07.2023 and also to one VKM.Haja Mohideen. After hearing the objections of the aforesaid persons, the respondents shall consider the statutory application and pass appropriate orders within a period of four (4) weeks from the date of receipt of the copy of the order.

4. However, there is an allegation against the staff of Wakf Board (AS-1) and the allegation is that he had sought bribe and the petition is pending before the Vigilance. This is separate cause of action and the Vigilance authorities are at liberty to enquire the petition is accordance to law.



W.P.(MD).No.23481 of 2023

WEB COPY

5. With the above observation and direction, this Writ Petition is disposed of. There shall be no order as to costs.

26.09.2023

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

To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Valal Seethakathi Nagar,
Chennai – 1.



WEB COPY



W.P.(MD).No.23481 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.23481 of 2023

26.09.2023