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W.P.Nos.2606 to 2611 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.2606 to 2611 of 2009

W.P.No.2606 of 2009

Melvisharam Muslim Educational Society,
Melvisharam- 632 509, Vellore District,
Rep. by its Secretary S.Hajee Ziauddin Ahmed Sahib.

...Petitioner

Vs.

1. The Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer,
I, Jaffar Syrang Street,
Vallal Seethakashi Nagar, Chennai – 600 001.

2. The Secretary to Government
Department of Backward and Most Backward Communities,
Secretariat,
Fort St. George, Chennai – 600 009.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Prohibition prohibiting the 1st respondent from enforcing
the provisions of the Wakf Act against the Petitioner society.



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In all W.Ps':.

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For Petitioner : Mr.Zaffarullah Khan
(in W.P.Nos.2606 to 2609 of 2009)
No Appearance
(in W.P.Nos.2610 & 2611 of 2009)

For Respondents : M/s.V.Srimathi, for R1
: Mr.LSM.Hasan Fizal, AGP for R2

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. It is the case of the petitioners that they are private wakf and are not governed by the Wakf act and they do not come under the purview of the Wakf board. However, without considering the same, contribution has been sought for from the petitioners. Aggrieved by the same, the petitioners have come up with these Writ petitions.

3. Heard learned counsel on either side and perused the material documents placed on record.



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4. A perusal of the materials reveals that the petitioners claim themselves to be private wakf and are not governed by the Wakf act and the wakf board has no control over them. However, the said issue cannot be adjudicated before this Court under Article 226 of the Constitution of India and the petitioners have to go before the appropriate authority under the Wakf Act.

5. In view of the above, this Court, without going into the merits of the case, directs the respective petitioners to make appropriate objections before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such objections, the 1st respondent shall consider the same on merits and pass appropriate orders in accordance with law within a period of twelve weeks thereafter, after conducting necessary enquiry by affording an opportunity of hearing to the petitioners and aggrieved persons, if any.



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WEB COPY 6. With the aforesaid directions, these Writ Petitions stand disposed

of. No costs.

28.08.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

To:

1. The Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer,
I, Jaffar Syrang Street,
Vallal Seethakashi Nagar, Chennai – 600 001.
2. The Secretary to Government
Department of Backward and Most Backward Communities,
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M.DHANDAPANI, J.

skt

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