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W.P. No. 4267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4267 of 2024

Mukram Sheriff

... Petitioner

-VS-

1. The Chairman,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
3. The Superintendent of Waqf,
Tamil Nadu Wakf Board, Chennai District,
No. 139, Dr. Besant Road,
Triplicane,
Chennai – 600 005.
4. Muthawalli,
Hazarath Mothi Baba Dargha Wakf,
No. 422, Pantheon Road,
Mothi Baba Lane, Egmore,
Chennai – 600 002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to



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declare/appoint the Petitioner as Khalifa of Hazarath Mothi Baba Dargha Waqf, Egmore, Chennai, being the senior most eldest and medically fit male descendant of the family, to perform the flag hosting, sandal anointment on the Mazaar of Hazrath Mothi Baba & Sandal Faathia at the Hazarath Mothi Baba Dargha Waqf, Egmore, Chennai based on the representation dated 19.01.2024 sent by the Petitioner.

For Petitioner : Mr. A.Rajamohamed

For Respondents : Mr. G.Mohamed Aseef (for R1 to R3)

ORDER

Heard Mr. A.Rajamohamed, Learned Counsel for the Petitioner and Mr. G.Mohamed Aseef, Learned Counsel, who takes notice for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fourth Respondent, notice to them is dispensed with.

3. The grievance ventilated by the Petitioner is that he had a made representation dated 19.01.2024 to the First Respondent to declare/appoint the Petitioner as Khalifa of Hazarath Mothi Baba Dargha Waqf, Egmore, Chennai,



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being the senior most eldest and medically fit male descendant of the family, to perform the flag hosting, sandal anointment on the Mazaar of Hazrath Mothi Baba and Sandal Faathia at the Hazarath Mothi Baba Dargha Waqf, Egmore, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 19.01.2024 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;



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(iv) a reasoned order shall be passed dealing with each of the contentions

raised on merits and in accordance with law and the decision taken

communicated under written acknowledgment; and

(v) the report of such compliance shall be filed by 30.06.2024 before the

Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

23.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.03.2024.

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To

1. The Chairman,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.



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3. The Superintendent of Waqf,
Tamil Nadu Wakf Board, Chennai District,
No. 139, Dr. Besant Road,
Triplicane,
Chennai – 600 005.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Muthawalli,
Hazarath Mothi Baba Dargha Wakf,
No. 422, Pantheon Road,
Mothi Baba Lane, Egmore,
Chennai – 600 002.



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P.D. AUDIKESAVALU, J.

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