



W.P. No.37659 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.37659 of 2015

and

M.P. No.1 of 2015

and

W.M.P. Nos.7335 of 2016, 1327 of 2018, 27018 of 2018

Syed Mohamed Kalifa Sahib

.. Petitioner

Versus

1. The Managing Trustee,
Rep. by its Board of Trustees,
Nagore Dargah Office,
Nagore – 611 002,
Nagapattinam District.

2. The Manager,
Nagore Dargah Office,
Nagore – 611 002,
Nagapattinam District.

3. The District Collector,
Nagapattinam,
Nagapattinam District.

4. District Minority Officer,
District Collectorate,
Nagapattinam,
Nagapattinam District.

5. The Tahsildar,
Tharangampadi,
Nagapattinam District.



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6. The Tahsildar,
Mayiladuthurai,
Nagapattinam District.

7. The Tahsildar,
Vedaranyam,
Nagapattinam District.

8. The Tahsildar,
Seerkazhi,
Nagapattinam District.

9. The Tahsildar,
Keezhvelur,
Nagapattinam District.

10. The Tahsildar,
Thirukkuvalai,
Nagapattinam District.

11. The Tahsildar,
Nagapattinam,
Nagapattinam District.

12. The Tahsildar,
Kuthalam,
Nagapattinam District.

13. The Adhoc Administrator,
Nagore Dargah Office,
Nagore – 611 002,
Nagapattinam District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the District Judge and the Scheme Judge, Nagapattinam District to conduct an enquiry in respect of the moveable and immovable properties belonging to the Nagore Dargah and



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also take an inventory of the properties which is now standing in the name of dargah and the properties unlawfully transferred to private parties, and consequently direct the respondents 1, 2, 4 to 12 to render all assistance to the District Judge and the Scheme Judge, Nagapattinam and the petitioner in the enquiry.

For Petitioner	: Mr. Haja Mohideen Gisthi
For Respondents	: Mr. L.S.M. Hasan Fizal, Addl. Govt. Pleader for R3 to R12 Mr.T.K. Baskar for R1 & R2

ORDER

This writ petition has been filed for issuing a Writ of Mandamus to direct the District Judge and the Scheme Judge, Nagapattinam District to conduct an enquiry in respect of the movable and immovable properties belonging to the Nagore Dargah, take an inventory of the properties which is now standing in the name of dargah and the properties unlawfully transferred to private parties and consequently direct the respondents 1, 2, 4 to 12 to render all assistance to the District Judge and the Scheme Judge, Nagapattinam and the petitioner in the enquiry.

2. It is stated that in terms of the Scheme drafted by the District Court, Nagapattinam, elections to Nagore Dargah Advisory Board are being conducted once in three years under the direct supervision of the



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District Court, thereby the President and Members are elected. In one of the elections conducted pursuant to the Scheme, the petitioner was elected as Member in the year 2012 and later elected as President in the year 2013. As per the Scheme decree the Manager of the Nagore Dargah was nominated as person incharge of the entire affairs of the Dargah relating to properties and all other financial affairs of Dargah. It is the apprehension of the petitioner that due to mismanagement by the Trustees, the Dargah's properties are transferred unlawfully to third parties. Though very many steps were taken by the petitioner to obtain certain information, the same has not yielded any fruitful action with respect to Dargah's properties, therefore, he has come up before this Court with the aforesaid prayer.

Learned counsel for the petitioner submits that it would be suffice, if a direction is issued to the District Judge and the Scheme Judge, Nagapattinam District as well as the 3rd respondent to conduct an enquiry in respect of properties, both movables and immovables belonging to the Nagore Dargah and prays for issuance of appropriate directions in this regard.

4. At the outset, a preliminary objection has been raised by the



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learned Additional Government Pleader appearing for the respondents 3 to 12 stating that the writ petition is not maintainable in view of the fact that the petitioner has come forward with this writ petition with an omnibus prayer. Hence, he prays for dismissal of this writ petition.

5. Heard learned counsel on either side and perused the materials placed on record.

6. While perusing the averments contained in the affidavit filed in support of this petition, it is seen that the petitioner is interested in knowing the details of movables and immovables belonging to the Nagore Dargah and had taken more steps to obtain information with regard to the same. The petitioner, without any specific grievance, based on his apprehension has filed this writ petition seeking for a direction. As rightly contended by the learned Additional Government Pleader seeking omnibus prayer is not maintainable. Further it is noted that instead of filing proper application by quoting the relevant provision of law filing the writ petition with omnibus prayer is unsustainable. Therefore, the prayer sought for in this writ petition to direct the District Judge / Scheme Judge, to conduct an enquiry in respect of the properties belonging to the Nagore Dargah is



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rejected. However, this Court makes it clear that if the petitioner is having any grievances, liberty is granted to the petitioner to file appropriate suit or application before the District Judge in the scheme decree granted earlier.

7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
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M.DHANDAPANI, J.

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