



W.P.No.8971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8971 of 2024

Syed Mazharudin

...Petitioner

Vs

1. The Tamil Nadu Wakf Board,
Represented by its chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai -1.

2. The Superintendent of Wakfs,
Office of the District Superintendent,
Tamil Nadu Wakf Board,
No.139, Dr. Besant Road, Ice House, Chennai

3. Syed Ahmed Hussain Khaderi @ Mustaz Hussain,
S/o (late) Janab, M.A.Abbu Sayeed,
No.21, 10/1, first floor, Sajja Munusamy Street,
Old Washermenpet, Chennai – 600 021.

4. A. Syed Abu Moosa,
S/o Janab Mushtaq Hussain @ Ahmed Hussain,
Old No.24, New No.42, Krishnappa Street,
Chepauk, Chennai – 600 002.

5. A. Nazim Basha,



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S/o (Late) Janab Ahmed Basha Sahib
No.44, Narayanan Mesthiri Main Street,
Otteri, Perambur Barracks, Chennai 600 012

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pass orders on the petitioner's representation dated 23.12. 2023 on merits and in accordance with law, seeking to forbear the respondents 3 to 5 from performing any services in the Hazrath Syed Moosa Sha Khaderi (RA) Dargah as Turn Holding Trustees/ Mujawrs till the final outcome of all the Civil and Criminal cases against them and pass orders.

For Petitioner : Mr. M. Nuzhath Khanan

For Respondents 1 and 2 : Mr.M .Fakkir Mohideen,
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to consider the petitioner's representation dated 23.12.2023 and pass orders.



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2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the Saint Hazarth Syed Moosa Sha Khaderi is a Islamic Saint and in reverence to the holy saint a Dargah was consecrated to him called the Hazrath Syed Moosa Sha Khaderi (RA) Dargah which is popularly known as Mount Road Dargah at Mount Road (Anna Salai), Chennai and it is a pan-religious destination for pilgrimage. The Dargah is a registered, surveyed and notified wakf under the supervisory control of the Tamil Nadu Wakf Board. The petitioner is the Chief Hereditary Trustee and Muthawalli of the said Dargah. While so the respondents 3 to 5 who claim to be Mujawars to perform services in the Dargah have indulged in criminal activities. Hence the petitioner has given a representation to the first respondent to prevent the respondents 3 and 4 from performing services in the Dargah. However, the same was not considered. Hence this petition.



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4. The learned counsel for the petitioner submitted that pertaining to the very same issue, the petitioner has already filed W.P.No.7988 of 2002 and this Court vide order dated 15.02.2022 passed an order to consider the representation of the petitioner. Pursuant to which the first respondent had called the respondents 3 and 4 for enquiry and they have falsely stated that there were no criminal case pending against them. Based on the submission made by the 3rd and 4th respondents the first respondent permitted them to perform the services in Dargah. Hence, the petitioner gave another representation on 23.12.2023 with particulars of the bail order copy passed against the second and third respondents.

5. The learned standing counsel appearing for the first and second respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 23.12.2023 and pass orders on merits



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and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

03.04.2024

Index: Yes/No

Speaking order/Non-speaking order
smn

To

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