



W.P.No.12450 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM:

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

W.P.No.12450 of 2021
and
W.M.P.No.13231 of 2021

Rashida Usman

...Petitioner

Vs.

1. Tamil Nadu Wakf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Office,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
3. The Wakf Inspector,
Chennai North & South,
Tamil Nadu Wakf Board,
No.139, Dr.Besant Road,
Triplicane,
Chennai – 600 005.



W.P.No.12450 of 2021

4. Interim Management Committee,
Represented by it's Secretary,
Janab.Y.Mohammed
Office at Barafath Charity Sheik Dawood Milad Waqf,
No.14, Bagarunaicken Street,
Chennai – 600 002.

5. Janab Y.Mohammed ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to take action on the petitioner's representation dated 26.02.2021 to secure the wakf properties situate at Door No.23, Triplicane High Road, Triplicane, Chennai – 600 005, which belongs to Barafath Charity Sheik Dawood Milad Wakf and also to hand over the said entire wakf to the petitioner for administration of the same.

For Petitioner : Mr.A.Ilayaperumal

For Respondents : Mr.C.Shankar SC for R1 to R3
Not Ready in Notice [R4 & R5]

ORDER

This Writ Petition has been filed seeking to direct the first respondent to take action on the petitioner's representation dated 26.02.2021 seeking to secure the wakf properties situate at Door No.23, Triplicane High Road, Triplicane, Chennai – 600 005, which belongs to Barafath Charity Sheik



W.P.No.12450 of 2021

Dawood Milad Wakf and also to hand over the said entire wakf to the petitioner for administration of the same.

2. Though the notice was served on the respondents 3 to 5, none appeared on their behalf. Considering the period of pendency of this writ petition, the same is disposed of based on the materials available on record.

3. It is the case of the petitioner that her common ancestor namely Sheik Dawood Sahib created a Waqf vide a Wakf Deed dated 14.06.1890 which is named as Barafath Charity Wakf to be carried out by five Muthavallis in which the petitioner is also one of the Muthavalli during the year 1970. When that be so, on 11.10.2017, some unknown persons illegally started to demolish the building of the said Wakf. Thereafter, the second respondent vide order dated 21.02.2017 has extended the period of the fourth respondent committee for a further period of one year. Seeking to secure the property of the wakf from the fifth respondent and others and also to revoke the order of the wakf board in respect of constitution of Interim Management Committee for the Barafath Charity Sheik Dawood



W.P.No.12450 of 2021

Milad Wakf, the petitioner made a representation dated 26.02.2021 before the respondents 1 to 3, however, the same was not considered. Hence, the present writ petition has been filed.

4. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the first respondent to consider the petitioner's representation dated 26.02.2021 and pass appropriate orders within the time frame that may be fixed by this Court.

5. Heard the learned standing counsel appearing for the respondents 1 to 3 and perused the materials placed on record.

6. On a perusal of the records reveal that, the petitioner has not enclosed any proof to show that above mentioned property belongs to the Barafath Charity Sheik Dawood Milad Wakf. In the absence of any proof, this Court cannot pass any affirmative order in favour of the petitioner. If at all the petitioner has any proof to show that the aforesaid property belong to



W.P.No.12450 of 2021

the Barafath Charity Sheik Dawood Milad Wakf, she has to resort her remedy only before the competent Court in a manner known to law and not before this Court under Article 226 of the Constitution of India. However, without doing so, filing the present writ petition is wholly unsustainable. Hence, the prayer sought for by the petitioner cannot be granted.

7. With the above observation and direction, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.09.2024

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



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W.P.No.12450 of 2021

M.DHANDAPANI, J.

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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 Office,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
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W.P.No.12450 of 2021

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