



W.P.No.13949 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2024

CORAM:

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

W.P.No.13949 of 2019

Z.Hajji Mohammed Maricar

...Petitioner

Vs.

1. Central Waqf Council,
Ministry of Minority Affairs
Government of India
Having Office at
P-13 & 14, Pushp Vihar
Sector – 6, Saket,
Opp : Family Court,
New Delhi – 110 017.

2. The Chief Executive Officer,
The Puducherry State Waqf Board,
No.143, III rd Floor,
Yanam Venkatachalam Pillai Street,
Puducherry – 605 001.

3. Muslim Education Society,
Rep. by its Secretary,
Masthan Palli Street,
Karaikal – 609 602.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to



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issue a Writ of Mandamus directing 2nd respondent to take appropriate action against 3rd respondent under Sec.61 of Waqf Act, 1995 in pursuance of directions of 1st respondent in his proceedings in F.No.45(1)/2014-CWC [Advices] dated 15.06.2017.

For Petitioner : M/s.A.Arunbabu

For Respondents : Mr.J.Haja Mohideen Gishti for R1

Mr.Ramasamy Meyyappan,
Government Advocate(Puducherry) for R2

Mr.R.Natarajan for R3

ORDER

This writ petition has been filed seeking to direct the second respondent to take appropriate action against the third respondent under Section 61 of the Waqf Act, 1995 in pursuance of directions of the first respondent in his proceedings in F.No.45(1)/2014-CWC dated 15.06.2017.

2. The case of the petitioner is that the petitioner is the President of Parent Teachers Association of MES Government Aided High School, Karaikal, run by the third respondent. The third respondent is a public waqf



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subject to the provisions of Waqf Act, 1995 and the supervisory control of respondents 1 and 2. Since the irregularities in the administration of the third respondent violating the directions of the Waqf Board, had been brought to the notice of the respondents 1 and 2, the first respondent vide proceedings dated 15.06.2017, directed the second respondent to take action against the third respondent. However, till date the same was not complied with by the second respondent. Hence, the present writ petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the second respondent to take appropriate action against the third respondent in pursuance of the proceedings of the first respondent dated 15.06.2017 and to pass appropriate orders within the time frame that may be stipulated by this Court.

4. The learned counsel appearing for the third respondent submits that though the first respondent has passed a direction to the second respondent



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to take appropriate action against the third respondent vide proceedings dated 15.06.2017, however, till date the said order has not been communicated to the third respondent.

5. Heard the learned counsel appearing for the first respondent and the learned Government Advocate appearing for the second respondent and perused the materials placed on record.

6. In view of the limited request sought for by the learned counsel for the learned counsel for the petitioner, this Court directs the second respondent to conduct enquiry and implement the order passed by the first respondent dated 15.06.2017 and pass appropriate orders on merits and in accordance with law if there is no legal impediment after affording an opportunity of personal hearing to the petitioner as well as the third respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions and observation, this writ petition is



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disposed of. No costs.

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

To:

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M.DHANDAPANI, J.



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