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W.P.No.12066 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12066 of 2024

B. Abdul Kather

...Petitioner

Vs

1. Tamil Nadu Wakf Board,
represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallai Seethakathi Nagar,
Chennai – 600 001.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to conduct the election to Hazarath Nabi Sallalabu Aleichi O sallam Fatihah Wakf bearing Registration No.609 as per the scheme decree dated 05.08.1954 made in O.S.No.44 of 1952 on the file of the first additional Sub Court, Trichy and modified by the Division Bench of this Court dated



W.P.No.12066 of 2024

05.10.1960 in A.S.No.666 of 1954 within a time frame as fixed by this Court.

For Petitioner : Mr.V. Kajanvas
For Respondents : Mr.Avinash Wadhuvani
Standing counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking a direction to the respondent to consider the representation of the petitioner dated 01.04.2024.

3. The case of the petitioner is that the wakf namely Hazarath Nabi Sallalaho Aleichi O Sallam Fatihah Wakf is registered wakf bearing No.609 and the petitioner is one among the descendant of the wakf through the female line of Syed Ibrahim Shaib. The said wakf has been administered and managed as per the Appellate Decree in Appeal No.666 of 1954 passed by this Court and the petitioner was appointed as a female descendant of the Wakf. It is pertinent to mention here that the petitioner is a trustee of the subject wakf and direct female descendant of



W.P.No.12066 of 2024

WEB COPY

Syed Ibrahim Sahib and was originally appointed as a trustee on 22.02.2008 and re-appointed in 2011 and again appointed in 2013 by Wakf Board. The grievance of the petitioner is that the elections are not conducted as per the scheme decree dated 05.08.1954 made in O.S.No.44 of 1952 on the file of the first additional Sub Court, Trichy and modified by the Division Bench of this Court dated 25.10.1960 in A.S.No.666 of 1954, due to which several persons were selected on 01.08.2018 without any notice to the other descendants and the period of the committee illegally got extended again on 04.10.2021 and thereby the period was fixed between 20.07.2021 to 20.07.2022 and thereafter no selection was made even after the repeated request. Since the wakf having a property worth about more than 100 crores and the last trustee selection and appointed by wakf board was grabbed seven properties of the wakf measuring an extent of 22,000 sq.feet. Hence the petitioner gave a representation to the respondents. However, the same was not considered. Hence, this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the



W.P.No.12066 of 2024

petitioner's representation dated 01.04.2024 and pass orders.

5. The learned Standing counsel appearing for the respondents submits that the representation of the petitioner will be considered on merits and in accordance with law.

6. Considering the facts of the case, this Court without expressing any opinion on the merits of the case directs the respondents to consider the representation of the petitioner dated 01.04.2024 and pass orders on or before 30.09.2024 . This writ petition is disposed of in the above terms. No costs.

26.04.2024

Index:Yes/No
Speaking order/Non-speaking order
smn



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W.P.No.12066 of 2024

V.BHAVANI SUBBAROYAN,J.

smn

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